

**ACTS**  
OF THE  
**LEGISLATURE OF ALABAMA**  
OF  
**Local and Special Character**  
PASSED AT THE  
**Regular Session of 1947**

Held at the Capitol, in the City of Montgomery  
Commencing Tuesday, May 6, 1947



**JAMES E. FOLSOM**, Governor  
**J. C. INZER**, Lieutenant-Governor  
**J. BRUCE HENDERSON**, President Pro. Tem of the Senate  
**W. M. BECK**, Speaker of the House

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I, Sibyl Pool, Secretary of State in and for the State of Alabama, do hereby certify that this volume is published by the authority of the State of Alabama, and in accordance with law.

**SIBYL POOL**,  
Secretary of State.

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# LOCAL ACTS

## Passed at Regular Session, 1947

No. 10)

(H. 43—Coleman-Martin

### AN ACT

Relating to privilege licenses: levying an additional tax upon sellers of malt or brewed beverages who are engaged in that business in Greene County; providing for the assessment, collection, and distribution of the proceeds of the tax; defining violations of the Act and prescribing penalties therefor.

*Be it Enacted by the Legislature of Alabama:*

Section 1. This Act shall apply in, and only in, Greene County; it does not alter or repeal any statute, but is in addition to and cumulative of laws now in effect.

Section 2. (a) As used in this Act, unless the context requires a different meaning: "person" includes a firm, corporation, club, partnership, company, trustee, agency, or association, or any agent, servant, employee, or officer thereof; "seller" means a person who is engaged in the business of selling, distributing, delivering, storing, or taking out of storage, malt or brewed beverages within the county; "malt or brewed beverages" includes beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume. (b) The rules of construction and interpretation of statutes contained in Title 1 of the 1940 Code shall apply in the construction and interpretation of this Act.

Section 3. Each seller of malt or brewed beverages shall pay a license tax to the county in an amount equal to two cents on each twelve fluid ounces or fractional part thereof of malt or brewed beverages sold, distributed, delivered, stored, or taken out of storage within the county, unless an exemption is secured as provided by Section 6. The tax shall be in addition to all other taxes and licenses imposed by law.

Section 4. Each seller, except a seller who claims and obtains exemption under the provisions of Section 6, shall, on or before the fifteenth day of each month, file with the probate judge and the license inspector of the county, on forms to be prescribed and furnished by the probate judge, a written statement, sworn to and subscribed by him, which shall show: 1) the name and address of the seller; 2) each purchase or receipt of malt or brewed beverages made by him during the calendar month next preceding; 3) the name and address of the distributor, seller, or other person from whom purchased, received, or procured; 4) the brands purchased or received; 5) the quantity of each brand; 6) the size and kind of containers of each brand; 7) the date or dates on which purchased, received, or procured; 8) the name and address of each distributor, seller, or other person to whom any malt or brewed beverages were sold, distributed, or delivered; 9) the quantity of each brand sold, distributed, or delivered

to each; 10) the size and kind of containers of each brand; 11) the date or dates on which sold, distributed or delivered.

Section 5. The license tax imposed by Section 3 shall be paid on or before the fifteenth day of each calendar month. The amount due shall be based on the sale, distribution, delivery, storage, and taking out of storage of malt or brewed beverages during the preceding calendar month.

Section 6. A seller purchasing malt or brewed beverages from any other seller who has paid the license tax imposed thereon by Section 3 is exempt from paying the tax upon his application to the probate judge. The application for exemption from the payment of the tax shall be made by the seller on or before the fifteenth day of each calendar month. The application, verified by the oath of the seller, shall show: 1) the name and address of the applicant; 2) each purchase, receipt, or procurement of malt or brewed beverages made during the calendar month next preceding; 3) the name and address of the distributor, seller, or other person from whom purchased, received, or procured; 4) the brand of the malt or brewed beverages; 5) the quantity of each brand; 6) the size and kind of containers of each brand; 7) the date or dates on which purchased, received, or procured; and 8) the disposition thereof by the seller claiming the exemption.

Section 7. It is unlawful for any agent, servant, or employee of any seller who is delinquent in the payment of the license tax required by this Act to assist or carry on the business of the seller. Each day the agent, servant, or employee of a delinquent seller engages in or assists in carrying on such business shall constitute a separate offense.

Section 8. (a) Each seller shall keep complete records of all purchases, sales, receipts, inventories, and all other matters necessary to determine the correct amount of license tax for which he is liable. In the event a seller discontinues his business, he shall not dispose of his records without giving the probate judge and the license inspector thirty days' notice in writing. (b) The seller's records, books of accounts, bank deposit books, and bank statements shall be open, during reasonable hours at the place of business of the seller, for inspection and examination by the probate judge, or his agent, and the license inspector. (c) In the event the amount of tax due by the seller cannot be accurately determined from the seller's monthly report, or if the seller does not keep adequate records, or if he refuses to allow an examination of his records, the amount of tax due may be determined from any other information or data available, and the amount of the tax so determined shall be assessed against the seller. Notice of such assessment shall be given to the seller and a demand made for immediate payment. (d) No person shall divulge any information obtained by him in the course of an inspection and examination of the records of any seller, except to a person duly authorized by

the county or municipal governing body, the judge of probate, the county attorney, the license inspector, or others connected with the administration of this Act, unless he is required to do so by an order of a competent court.

Section 9. The license tax imposed by this Act shall be paid to the probate judge, and the proceeds shall be distributed by him as follows: two-fifths to the general fund of the county; two-fifths to the county board of education; and one-fifth prorated among the municipalities within the county upon the basis of their respective populations according to the Federal Census. For such services, the probate judge shall be entitled to commissions of two and one-half per cent ( $2\frac{1}{2}\%$ ) of all taxes collected.

Section 10. A person who violates the provisions of this Act is guilty of a misdemeanor; and each day his violation continues shall constitute a separate offense.

Section 11. No seller shall continue in business when he is in default in payment of the tax imposed by this Act. In addition to other penalties, a delinquent taxpayer shall be liable for a penalty of twenty per cent of the amount found to be due by him. Penalties shall be paid into the general fund of the county.

Section 12. This Act shall not apply to acts or transactions in interstate commerce; nor shall any provision hereof apply to any business conducted by or for the United States or any other government.

Section 13. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid or inoperative, the remainder of the Act and the application thereof to any other person or circumstance shall not be affected thereby.

Section 14. This Act shall become effective upon its passage.

Approved June 19, 1947.

No. 11)

(H. 47—Shelton and Callahan

## AN ACT

To amend Sections 10 and 11 of an Act approved August 3, 1927, entitled an Act to establish a Court of Record in Tuscaloosa County, Alabama, to be known as the Inferior Court of Tuscaloosa County, to abolish the County Court of Tuscaloosa County, Alabama, and to confer upon said Inferior Court of Tuscaloosa County, all of the criminal and civil jurisdiction of all the Justices of the Peace in the County of Tuscaloosa, Alabama, and all the jurisdiction of the County Court of Tuscaloosa County, Alabama, the Juvenile Court of Tuscaloosa County, Alabama, and the jurisdiction of the Probate Court of Tuscaloosa County, Alabama, as regards domestic relations; and to provide for a Clerk of said Court and prescribe, fix and define his duties and compensation; to establish methods of procedure and fix the Court costs in said Court, to define the jurisdiction of said Court, and to provide for a Judge of said Court and provide, and fix the method of his selection or election, and qualification and term, or terms of office, define his powers and duties, and fix the salary of such Judge, and to provide a Solicitor for said Court and to fix his salary and define his duties,



and to provide the method whereby the Judge thereof may recuse himself, to provide for certificates of judgment of said court and the recordination thereof; to provide the method of issuing warrants returnable to said Court and to define and provide for the proceedings in said Court.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Section 10 of said Act be amended so as to read as follows: Section 10. Be it further enacted that the Deputy Solicitor of Tuscaloosa County shall be the Solicitor of the Inferior Court of Tuscaloosa County and shall attend all sessions of said Court and do and perform all duties of a Solicitor therein and in addition attend and represent the State at all preliminary hearings therein; also, aid or act for the Circuit Solicitor before the grand jury and in all matters in the Circuit Court and all bail and habeas corpus proceedings in all courts when requested to do so by the Circuit Solicitor, and perform all the duties of the Circuit Solicitor in his absence when so directed by the Circuit Solicitor; also, to represent the Alabama State Hospitals and the Partlow State Home for Mental Deficients in all habeas corpus proceedings brought in Tuscaloosa County, Alabama, when requested to do so by the Circuit Solicitor.

Section 2. That Section 11 of said Act be amended so as to read as follows: Section 11. Be it further enacted that said Deputy Solicitor shall receive a salary of \$3,000.00 per annum payable monthly out of the County Treasury upon his warrant drawn upon the County Treasurer, or County Depository, and this shall be in lieu of any other salary now provided to be paid him.

Section 3. This Act shall become effective upon its passage and approval by the Governor.

Approved June 19, 1947.

No. 12)

# AN ACT

(H. 117—Cole and Brassell

To amend Section 2 of an Act approved May 28, 1943, fixing the salary of the Deputy Circuit Clerk of Russell County, Alabama, and providing the method of payment thereof.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Section 2 of the Act approved May 28th, 1943, fixing the salary of the Deputy Circuit Clerk of Russell County, Alabama, be and the same is hereby amended to read as follows: Section 2. That such Deputy Circuit Clerk shall be paid a salary out of the General Fund of Russell County, for not less than \$1200.00 per annum and not in excess of \$1800.00 per annum, to be fixed by the Court of County Commissioners of Russell County, Alabama, and to be paid in twelve equal monthly installments.

Section 2. Should any clause, section, or provision of this act be

declared unconstitutional, the same shall not affect the remaining clauses, sections, or provisions thereof.

Section 3. This act shall take effect immediately upon its passage and approval by the Governor.

Approved June 19, 1947.

No. 13)

(H. 118—Cole and Brassell

AN ACT

To establish for the municipality of Phenix City a pension and relief system for the benefit of fireman and policeman: creating for that purpose a fund, the revenues of which shall be derived from deductions from the salaries of participating firemen and policemen, from contributions made by the city, from fees, donations, rewards, and gratuities paid participating firemen and policemen for special services, from the annual privilege license tax on fire and marine insurance companies, from receipts by the city of income from contraband liquor, and from penalties, forfeitures, gifts, and other sources; imposing specific duties upon the city clerk and city attorney in connection with the administration of the Act; and prescribing penalties for violations.

*Be it Enacted by the Legislature of Alabama:*

1. This Act shall apply to and have application in the municipality of Phenix City.

2. As used in this Act, unless the context requires a different meaning: "city", "such city", or "the city" means the municipality of Phenix City; "fireman" means any regular full-time member of the fire department of the city; "policeman" means any regular full-time member of the police department of the city; "fund" means the Fireman's and Policeman's Pension and Relief Fund created by the Act; "board", or "board of trustees", means the Board of Trustees of the Fireman's and Policeman's Pension and Relief Fund; "person" includes association, corporation, firm, or partnership. The singular number includes the plural, and the plural the singular; the masculine gender includes the feminine and the neuter.

3. There is hereby created and established a fund for the benefit of the persons hereinafter described, the revenues of which shall be derived from the sources enumerated in Section 4. The fund shall be known as the "Fireman's and Policeman's Pension and Relief Fund."

4. The revenues of the fund shall be derived and obtained from the following sources: A) From the salary of each fireman and each policeman there shall be deducted, as the salary becomes payable, a sum equal to five per cent of the amount of such salary. Whenever a member of the fire department or of the police department is ineligible to participate in the benefits of the fund, neither he nor his salary or other compensation shall be subject to any assessment for the benefit of the fund. B) Each fire insurance company doing business in the city shall, before the first day of March of each year, pay into the fund a sum equal to one and one-half per cent of the gross premiums, less return premiums, received by such company for and on account of business done by it in the city during the preceding calendar year. It

shall be unlawful for any fire insurance company or its agent to take or receive any premium for insurance against fire within the city unless such company pays to the fund any amount herein required to be paid by it. Any fire insurance company that violates any provision of this Act shall forfeit the sum of one thousand dollars, to be recovered for the use of the fund by suit brought in the name of the city. Each person, firm, or corporation conducting a fire insurance agency or brokerage business in the city shall make, and file with the city clerk within the first ten days of each calendar year, a sworn statement of the name and address of each fire insurance company which such person, firm, or corporation represented or did business for as agent or broker during the preceding year. Any person who fails or refuses to file such statement shall forfeit the sum of one hundred dollars, to be recovered for the use of the fund by suit brought in the name of the city. Forfeitures and penalties, when collected, shall be a part of the fund. Any sum, or sums, except forfeitures and penalties, required by this Section to be paid by fire insurance companies shall be treated and held to be a part of the privilege license tax which any municipal corporation may impose upon fire or marine insurance companies under Section 739 of Title 37 of the 1940 Code. C) Each fireman and policeman is required to pay promptly into the fund his witness fee in any case in which he may have been summoned by the city, and all money received by him as a donation, reward, or gratuity, including any liquor seizure fee, for unusual or special services performed in the line of duty. D) There shall be paid into the fund, as and when received by the city, amounts received by it from the Alabama Alcoholic Beverage Control Board for contraband liquors and beverages confiscated and delivered to that agency. E) The board may take by gift, grant, devise, or bequest, and money, personal property, or real estate, or any interest therein. Any gift, grant, devise, or bequest may be absolute or upon condition that only the rents, income, and profits arising therefrom shall be applied to the purpose for which the fund is created. F) The governing body of the city shall cause to be paid into the fund monthly, out of the city treasury, an amount sufficient to match the sums contributed from salaries by members of the fire and police departments who are eligible to participate in the benefits of the fund.

5. To manage, supervise, control, and distribute the fund, there shall be a board of trustees, to be known as the "Board of Trustees of the Firemen's and Policemen's Pension and Relief Fund", which shall have five members: namely, 1) the officer of the city having supervision of the police department, and the fire department, who shall be the chairman of the board; 2) the chief of the city fire department; 3) the chief of the city police department; and, to be selected as herein-after provided, 4) one fireman and 5) one policeman. Immediately after the effective date of this Act, the chief of the police department shall appoint a policeman and the chief of the fire department shall appoint a fireman to serve as members of the board until their successors are elected as provided in Section 6.

6. One member of the board shall be elected, from among their number, by the policemen who are eligible to participate in the fund; one member shall be elected, from among their number, by the fireman who are eligible to participate in the fund. A separate election shall be held by each department on the second Tuesday in January, 1948, and on the second Tuesday in January of every third year thereafter. Neither the chief of the police department nor the chief of the fire department shall be entitled to vote in such elections. Elections shall be held at police headquarters for the police department and at Fire Station Number One for the fire department; they shall begin at nine o'clock in the forenoon and continue until six o'clock in the afternoon. Voting shall be by secret ballot. The city clerk shall prepare the ballots, which shall be printed, typewritten, or mimeographed, and shall place thereon the names of those persons nominated as candidates and the name of any fireman or policeman eligible to vote at the election who may request in writing that his name be placed on the ballots. Any three firemen who are eligible to vote in the election may nominate, in writing, a candidate from the fire department; any three policemen who are eligible to vote in the election may nominate, in writing, a candidate from the police department. Nominations and requests from persons entitled to vote in the election that their own names be placed on the ballots, shall be filed with the city clerk not earlier than two weeks before the date of the election and not later than five o'clock in the afternoon of Thursday immediately preceding the election. The candidate receiving the highest number of votes at the election shall be elected; he shall hold office for a term of three years, beginning on the Monday next following his election. The chief of the police department and one policeman selected by him, and the chief of the fire department and one fireman selected by him, shall act as election officials in the election of their respective departments. On the day of the election, immediately after the polls are closed, the election officers shall count the votes and certify, in duplicate, the number of ballots cast for and received by each candidate. After the certificate is signed, the department chief shall post one copy at the voting place and, not later than twelve o'clock noon on the following day, deliver the other copy, together with all the ballots cast at the election, sealed in an envelope, to the chairman of the board. On the day following the election, in the presence of the chief of the fire department and the chief of the police department, the chairman shall open the envelope, examine the certificate, ascertain the result and issue a certificate of election to the candidate receiving the highest number of votes. In case two or more candidates received the same number of votes at the election, the chairman shall forthwith determine by lot from the names of such candidates which shall be the trustee. No election shall be set aside for want of formality in balloting, or in certifying or transmitting returns. If a vacancy occurs in an elective membership on the board, such vacancy shall be filled for the unexpired term by appointment by the remaining

members of the board from the membership of the department, the representation of which was affected by such vacancy.

7. The board shall have exclusive management and control of the fund and all matters connected therewith. It shall have power to adopt and enforce such rules and regulations as may be necessary to enable it to carry into execution the purposes for which the fund is established. The board shall hear and decide all applications for pensions and relief; its decisions in regard thereto shall be final and conclusive and are not subject to review. Three members of the board shall constitute a quorum for the transaction of business, but the affirmative vote of three members shall be necessary to adopt any motion or resolution, or to transact any business. The board shall cause to be kept a record of all meetings and proceedings. Meetings of the board shall be held in the city hall at such times as meetings may be called by the chairman or by any two members. No member of the board shall receive any salary or compensation for serving as a trustee.

8. The city clerk shall be the secretary of the board. It shall be his duty to keep a full and complete record of all proceedings of the board; he shall perform such other duties as may be assigned to him. The city clerk shall also be treasurer of the fund and the custodian of all money and securities belonging to it. He shall be liable on his official bond as city clerk for the faithful performance of the duties imposed upon him by this Act and for an accounting of all money, securities, and things of value which may come into his hands as treasurer of the fund. He shall keep accounts which show the true condition of the fund at all times. Upon the expiration of the city clerk's term of office, or whenever he ceases to hold office, he shall surrender and deliver up to his successor all bonds, securities, money, and everything else of value that he holds as treasurer or custodian of the fund. The city clerk shall not receive any additional compensation for services rendered under this Act.

9. The board may invest money held in the fund, or such portion of it as may be safely withdrawn for the purpose, in interest bearing bonds, warrants, or other obligations of the United States of America, of the State of Alabama, or of the city. Income from investments shall become a part of the fund. Securities belonging to the fund shall be held by the treasurer of the fund, subject to the management and control of the board.

10. On or before the first day of February of each year, the board shall make reports of the conditions of the fund, as of December 31st of the preceding year, to the governing authority of the city, to the fire department, and to the police department.

11. The board shall appoint a bank or trust company doing business in the city as a depository in which the treasurer shall deposit all money belonging to the fund. If any funds are dissipated or lost by reason of the insolvency or failure of such depository, such dissipation or loss shall not constitute a liability of the treasurer. Interest received on deposits shall be and become a part of the fund.

12. No warrant or check shall be drawn on the fund except by an order of the board entered in the record of its proceedings. The depository shall not pay out funds except on a warrant or check signed by the chairman and countersigned by the secretary.

13. The board is authorized to pay out of the fund reasonable and necessary expenses incurred in the administration of this act.

14. It shall be the duty of the city attorney, upon request, to give advice to the board in all matters pertaining to its duties and the management of the fund, and to represent or defend the board in all suits and actions at law or in equity. The board shall have the authority to employ other counsel as it may see fit and to pay to them reasonable fees out of the fund.

15. The board shall have authority to retire, without regard to length of service, any fireman or policeman who attains the age of sixty-five years. Any person so retired shall be paid monthly, from the fund, a sum equal to two per cent of the amount of the monthly salary he was receiving at the time of his retirement multiplied by the number of whole years he served in the department prior to retirement.

16. Regardless of age or physical condition, any fireman or policeman who has been in the service for as long as twenty-five years, or any fireman or policeman who has reached the age of sixty years and has been in the service for as long as twenty years may be retired and his name placed upon the pension roll upon his application therefor. Any person so retired shall be paid monthly, from the fund, a sum to be determined as in Section 15.

17. Whenever the board determines that a fireman or policeman has become temporarily disabled, mentally or physically, as a result of an injury received in the performance of duty, such disabled fireman or policeman shall be paid monthly, out of the fund, during the period of his disability, a sum equal to sixty per cent of the monthly compensation he was receiving from the city at the time he became disabled. But any benefits payable upon this Section shall be reduced by an amount equal to the amount, if any, which the beneficiary receives from the city as salary during disability. The board shall be the sole judge of the extent and cause of any disability and of the time such disability ceases to exist; determinations of the board in those regards shall be final. In the event the board determines that such disability is or has become permanent, the disabled person shall be retired, his name shall be placed upon the pension roll, and he shall be paid monthly the benefits payable under this Section.

18. When any fireman or policeman is confined to his bed or is under the care of a physician for fifteen days or more by reason of sickness or other disability not otherwise provided for, he shall be paid weekly, but not for more than twelve weeks, from the fund, the sum of twenty-five dollars; however, if such policeman or fireman has been in the service of the department of which he is a member for a period of ten years or more and the board determines at the end of twelve weeks that his disability is permanent, he shall be retired and

paid in accordance with the provisions of Section 17. But no fireman or policeman shall be paid any benefits or relief under this Section if his sickness or disability was caused by dissipation, immoral conduct, or vicious habits, or if during the time of his disability he receives his regular compensation from the city.

19. After any fireman or policeman has been retired by reason of a disability, as provided in Sections 17 and 18, the board shall have power to cause such person to be brought before it and examined by the city's physician, or other competent physicians and surgeons to be selected by the board, and to examine witnesses for the purpose of discovering whether the disability continues or whether such person should be continued on the pension roll or returned to active duty. However, before such member is restored to active duty, he shall be given notice and afforded a hearing; he shall be permitted to propound any questions pertinent or relevant to the inquiry; and he shall also have the right to introduce evidence in his own behalf as he may see fit. Witnesses at such hearings shall be examined under oath, to be administered by any member of the Board. Such member shall be entitled to be paid benefits until he is reinstated to active service.

20. (A) If any fireman or policeman is killed while in the performance of his duty, or dies as a result of an injury received in the line of duty, or dies from any cause while in service as a result of his service, or dies from any cause while in service or on the retirement roll after having served for more than fifteen years, the last five years of which were continuous, the board shall cause to be paid monthly to the widow—to whom the deceased, if retired, was married at the time of retirement—during her natural life or until she remarries, a sum equal to twenty per cent of the salary of the deceased fireman or policeman. (B) If such deceased fireman or policeman leaves surviving him a child under sixteen years of age, the board shall cause to be paid, for the benefit of such child, monthly, to the mother if living, a sum equal to ten per cent of the salary of the deceased; but not more than thirty per cent of the salary of a deceased fireman or policeman shall be paid to the children of such deceased in any case. Such payments shall be continued so long as the child lives with the mother, is under the age of sixteen years, and is supported by the mother. If the child has no mother, or if the mother dies during the time the child is entitled to benefits under this Act, payments may be made to the person having control and custody of the child, or to some other person, as the board may determine. (C) In the event such deceased fireman or policeman is not survived by a widow or child who are entitled to benefits under A or B but does leave surviving him a widowed mother who is entirely dependent upon him for support, the board shall pay to such mother monthly, during her natural life or so long as she remains unmarried, a sum equal to twenty per cent of the deceased's salary.

21. There shall be kept by the secretary a book, to be known as the list of retired firemen and policemen, which shall contain a complete

record of the action of the board in retiring or refusing to retire any person under this Act. For each person retired, the records shall show the date of entering service, date of retirement, and the reason of retirement. There shall also be kept a complete list of the names, ages, and addresses of all children and the name and address of the widow, if any, of a policeman or fireman who has been granted benefits under this Act.

22. Every application for the payment of benefits under this Act and the evidence supporting such claims shall be retained by the board as a part of its records.

23. Pensions and benefits payable under this Act shall be made on a salary percentage basis; they shall increase or decrease in accord with the increase or decrease of the salaries of active members of the fire and police departments.

24. If at any time there is an insufficient amount of money in the fund to pay each person entitled to benefits the full amount due him, payment shall be made to each beneficiary pro rata.

25. No pension or other benefits, except for disability incurred in line of duty, shall commence or be payable under this Act prior to the first day of October, 1948. And under no circumstances shall any beneficiary be paid a pension or other benefit of more than one hundred and twenty-five dollars per month.

26. If any fireman or policeman is discharged, or if for any other reason he leaves his employment before he becomes entitled to the retirement benefits provided for in this Act, he forfeits his rights under the Act. But he shall be entitled to a refund of all deductions made against his salary, without interest, less one half of all benefits which may have been paid to him from the fund.

27. No portion of the fund, whether in cash, credits, or securities, either before or after its distribution by the board to the person or persons entitled thereto, shall be held, seized, taken, subjected to, detained or levied upon by virtue of any attachment, garnishment, execution, writ, order, decree, or other process issued out of any court of this State for the satisfaction of any debt, demand, claim, judgment, or decree against any beneficiary of the fund. Nor shall any assignment be made of any portion of the fund, or of any right or interest therein, by any beneficiary or prospective beneficiary thereof; assignments or attempted assignments shall be void. The fund shall be kept, held, and distributed in accordance with this Act and for no other purpose. No act of the board, of the governing body of the city, or of any individual, which is authorized or required to be taken under this Act, shall create any contractual or vested right hereunder; the Legislature reserves the right to amend, alter, or repeal any and every provision hereof.

28. This Act shall not apply to any policeman or to any fireman, who, within thirty days after the effective date, notifies the governing body of the city in writing that he does not wish to participate in the benefits of the fund.



29. The provisions of this Act are declared to be severable; the holding of any section or part of the Act to be void for any cause shall not affect other sections or parts.

30. This Act shall become effective immediately upon its passage and approval by the Governor.

Approved June 19, 1947.

No. 14)

### AN ACT

(H. 119—Cole and Brassell

To authorize the Sheriff of Russell County to appoint an additional deputy sheriff; to fix the salary of the deputy, and to require him to give bond.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The Sheriff of Russell County is authorized to appoint a deputy sheriff, in addition to the deputies now provided for by law, whose annual salary shall be fixed by the governing body of the county at not less than one thousand two hundred dollars nor more than one thousand eight hundred dollars, payable in equal monthly installments by the County. The appointee shall hold office at the pleasure of the Sheriff.

Section 2. The County Commission of Russell County, Alabama, is required to draw warrants in favor of the deputy, payable out of the general funds of the County, upon proper claim being made.

Section 3. The deputy is required to give bond in the sum of two thousand dollars as provided in Section 35, Title 41 of the 1940 Code.

Section 4. Should any section, clause or provision of this Act be declared unconstitutional, the same shall not affect the remaining sections, clauses or provisions of this Act.

Section 5. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved June 19, 1947.

No. 15)

### AN ACT

(H. 120—Cole and Brassell

To provide for the municipality of Phenix City a civil service system governing the appointment removal, salaries, tenure, and official conduct of employees and officers of the police and fire departments of the city, defining violations of the Act, and imposing penalties for violations.

*Be it Enacted by the Legislature of Alabama:*

1. This Act shall apply to and have application in the municipality of Phenix City only.

2. As used in the Act, unless the context requires a different meaning, "city" means the municipality of Phenix City; "employee" means any person, other than the department chief, who is employed in the police or fire department of the city; "board" means the civil service board created by this Act.

3. All employees and the chiefs of the police and fire departments of the city shall be governed by civil service rules and regulations prescribed in or promulgated pursuant to this Act, administered by a civil service board, the creation of which is provided for in Section 4. The present employees and chiefs of such departments shall remain in their respective employments during good behavior; but nothing herein shall be construed to prevent or preclude the removal of an employee or chief for cause in the manner hereinafter provided; and such employees and chiefs except for appointment, shall be subject fully to the provisions of this Act.

4. There is created the Civil Service Board of Phenix City, which shall be composed of the mayor of the city, who shall be chairman of the board, and two associate members, each of whom shall be appointed by the governor for a term of six years, except that, of the first appointees, one shall be appointed for three years only. The governor shall not appoint any person to the board who is not domiciled in and a qualified elector of the city, and no person shall be appointed who has not been nominated for appointment by the members of the Legislature who represent Russell County and the Twenty-Seventh Senatorial District. Associate board members shall not hold any other office or employment under the city, the county, or the State. A vacancy on the board shall be filled by appointment for the unexpired term.

5. Associate board members shall be paid ten dollars for each meeting attended, but not more than one hundred and eighty dollars in any year. The mayor of the city shall not receive any compensation as chairman or as member of the board. The board shall have power to appoint personnel necessary for its work and to delegate to its personnel such duties and powers as may be practicable. The governing body of the municipality shall provide for the salaries and expenses of the board.

6. The board shall hold regular meetings on the third Monday of each month; it may hold special, adjourned, or call meetings at any time. All meetings of the board shall be held in the city hall.

7. The board shall keep minutes of its meetings and a record of all business transacted by it. Its records, except those the rules of the board requires to be held confidential for reasons of public policy, shall be open for inspection by any resident of the city at all reasonable times.

8. The board shall have the power to make rules and regulations governing examinations, eligible registers appointment, salaries, demotions, and such other matters as may be necessary to accomplish the purposes of this Act. A rule or regulation may be made effective only after a public hearing is held on the proposal thereof and after a certified copy thereof has been filed with the city clerk. All employees and the chiefs of the police and fire departments shall be appointed upon a nonpartisan merit basis. There shall not be appointed, and the board shall not examine, any person who is not a citizen of the United

States, or one who has been convicted of a felony. The board shall: (1) classify the different types of services to be performed in the police and fire departments; (2) prescribe qualifications, including those of education, training and experience, for the appointees and incumbents of each class; (3) subject to approval by the city governing body, fix a maximum and minimum salary for each class; and (4) allocate each position in the police and fire departments to its proper class. It shall provide for the periodic rating of employees and chiefs according to their merit to determine whether they are maintaining standards of service. The board shall establish rules and regulations governing dismissals, suspensions, layoffs, terminations, and leaves of absence, and the severance of an employee's or chief's relationship with the city shall be in accordance with such regulations. In the event a reduction in force becomes necessary, the order of layoff shall be inverse to the order of appointment.

9. The salary to be paid to each employee shall be determined by the Board of Commissioners of the City of Phenix City, Alabama, or the governing Body of said City and shall be payable in such sums and such times as the governing Body of said City shall prescribe.

10. The board shall make and keep a register of all persons eligible and available for appointment to each class of position in the police department and the fire department, ranked according to ability. Lay-offs available for re-employment shall be placed at the head of the proper present and subsequent eligible registers in the inverse order of their terminations. Employees and chiefs who voluntarily terminate their services may be granted re-employment status upon proper eligible registers under such circumstances and in such manner as may be provided for in the board's rules and regulations, subject, however to stipulations of this section concerning layoffs. Persons desiring appointment may file application with the board, and the board shall, from time to time, conduct examinations to test the ability of such applicants. All applicants shall be examined, and examinations shall be public, competitive, and, subject to limitations specified by the board as to age, residence, health, height, weight, habits, moral character, and other factors pertinent to ability to discharge the duties of the position, open to all citizens of the United States. Examinations shall be practical in character and shall relate to those matters which test the ability of the persons examined to discharge intelligently the duties of the position for which he applies. In no case shall an appointment be made from an eligible register which is more than two years old, and no eligible register shall be the result of more than one examination.

11. Whenever a vacancy exists in any position in either the fire department or the police department, it shall be filled by appointment of one of the three persons who rank highest on the appropriate eligible register of the board. However the ranking layoff shall be appointed in every instance. Whenever it is impossible for the board to certify eligible persons to a vacancy, the board may authorize the mayor or department chief to fill the vacancy temporarily pending the

establishment of an eligible register. No such authorization may be given for longer than one hundred and twenty days, and no such employee shall have status under this Act. All appointments, other than temporary appointments, shall be probationary for six months from the date of appointment. A probationary employee or officer may be discharged by his department chief for unsatisfactory service at any time before the expiration of that period if the action is approved by the board; a probationary department chief may be discharged similarly by the mayor upon approval by the board. After the expiration of the probationary period, an appointment shall become permanent.

12. A department chief shall have authority to demote any employee or to suspend him for cause. In the event an employee is demoted or suspended, he shall be entitled to a public hearing by the board upon written demand filed within five days from the date of the order of demotion or suspension. A department chief may be similarly suspended or demoted by the mayor and shall have the same right of hearing. If, after hearing, the board determines that the department chief's or mayor's action was not with cause, the demotion or suspension shall be revoked.

13. No permanent employee or chief shall be removed or discharged except for cause, upon written charges filed with and decided upon by the board, and after an opportunity has been given him to face his accusers and to be heard in his own defense.. Charges may be filed by any resident of the city, and the hearing shall be open to the public. The decision of the board shall be reduced to writing and entered in the record. In all proceedings before the board, the city's attorney may appear and represent the interest of the city when requested to do so by the board. The board and its specially authorized representatives shall have the power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation, or proceeding within the purview of this Act. In case a person refuses to obey such subpoena, the board or its representative may invoke the aid of any circuit court in order that the testimony or evidence be produced. Upon proper showing, such court shall issue a subpoena or order requiring the person to appear before the board or its representative and produce all evidence and give all testimony relating to the matter in issue. A person who fails to obey such subpoena order may be punished by the court as for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit courts of this State, which fees shall be paid from the city treasury.

14. No employee or chief shall make, solicit or receive any assessment, donation, subscription, or contribution for any political purpose whatsoever, or be a member of a committee or an officer of a political party, or take any part in its management or affairs except to exercise his right as a citizen to express his opinion and cast his vote; no employee or chief shall receive any appointment or advancement as a

reward for his support of a candidate for office or political party; nor shall he be dismissed, suspended or reduced in rank or pay as punishment for his failure to support any candidate for political office.

15. Any person in the service of the city by appointment under civil service rules or regulations who willfully violates any of the provision of this Act, or any rule or regulation issued in pursuance thereof, shall be dismissed from the service of the city and shall not be re-appointed for two years.

16. This Act shall take effect immediately upon its passage and approval by the governor.

Approved June 19, 1947.

No. 16)

(H. 124—Cole and Brassell

### AN ACT

To repeal an Act approved September 9, 1927, entitled "An Act to provide for the establishment and creation of a water-works Commission for the City of Phenix City: To prescribe their number and provide for their election or appointment, and prescribe their terms of office: To prescribe their qualifications; To prescribe their oath of office: To fix said Commission's duties and powers: To provide for the appointment of a Clerk and Treasurer for said Commission, and prescribe his duties: To prescribe and fix the meetings of said Commission: To prescribe the name of said Commission: To fix the bond of the Clerk and Treasurer of said Commission: To provide for and prescribe the duties and powers of said Commission; To provide for the employees of said Commission: To prescribe the manner of execution of contracts by said Commission: To provide a seal for said Commission: To provide that said Commission may make temporary loans: To provide for an Attorney for said Commission: To provide for the establishment of an office by said Commission: To provide for the auditing of the books and accounts of said Commission and the making of reports of the financial condition of said Commission to the governing authorities of said City of Phenix City, and to repeal all laws in conflict herewith.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That an Act entitled "An Act, to provide for the establishment and creation of a water-works Commission for the City of Phenix City: To prescribe their number and provide for their election or appointment, and prescribe their terms of office: To prescribe their qualifications: To prescribe their oath of office: to fix said Commission's duties and powers: To provide for the appointment of a Clerk and Treasurer for said Commission, and prescribe his duties: To prescribe and fix the meetings of said Commission: To prescribe the name of said Commission: To fix the bond of the Clerk and Treasurer of said Commission: To provide for and prescribe the duties and powers of said Commission: To provide for the employees of said Commission: To prescribe the manner of execution of contracts by said Commission: To provide a seal for said Commission: To provide that said Commission may make temporary loans: to provide for an Attorney for said Commission: To provide for the establishment of an office by said Commission: To provide for the auditing of the books and

accounts of said Commission and the making of reports of the financial condition of said Commission to the governing authorities of said City of Phenix City and to repeal all laws in conflict herewith" approved September 9, 1927, be and the same is hereby repealed.

Approved June 19, 1947.

No. 17)

(H. 125—Cole and Brassell

### AN ACT

To create a hospital commission for the City of Phenix City, Alabama, to provide its duties, powers and authority to operate hospitals and to provide a plan for hospitalization by collection of fees on a weekly or monthly basis from those desiring hospital service.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That there be and is hereby created a hospital commission of the City of Phenix City, Alabama, to be composed of five members to be selected by the Board of Commissioners of the City of Phenix City, Alabama or the governing body of said City, each of whom shall hold office until their successors are elected or appointed and qualified, one member of said commission shall serve for a period of one year, one for a period of two years, one for a period of three years, one for a period of four years and one for a period of five years from the date of their appointment and their successors shall serve for a term of five years, each of whom shall be selected by the governing body of said City upon the expiration or termination of the term of office of those first chosen, each of whom shall take the oath of office prescribed under the laws of the State of Alabama for persons holding public office before entering upon the discharge of their duties. No member of said hospital commission shall hold any other public office.

Section 2. Said Commission shall have power and authority to construct, equip and operate a city hospital or hospitals within the City limits of said City and the police jurisdiction thereof in Russell County, Alabama, and all hospitals which have heretofore been constructed or acquired by the City of Phenix City, Alabama, shall be operated by said Commission and it shall be the duty of the governing body of said City of Phenix City, Alabama, to deliver over to said hospital Commission all hospital facilities owned by said City immediately upon the appointment of said hospital Commission. In carrying out the provisions of this Act, said hospital Commission of said City shall have the exclusive right to employ all of the personnel necessary to operate said hospital facilities and each of said employees shall serve at the will of said Commission.

Section 3. That all contracts for the construction, extension or equipping of hospitals shall be done by contract being let, after publishing notice of the intention thereof, by publication once a week for two successive weeks in a newspaper published in Russell County, Alabama, stating that sealed bids will be accepted by said Commission,

the time the same will be accepted and the purpose thereof and all contracts let for the construction and equipping of the hospital or the purchasing of equipment shall be let to the lowest bidder and where work is required to be done shall extend over a period of more than Thirty days, said commission shall take a performance bond therefor in such amount and conditioned according to law for the performance of said contract or contracts.

Section 4. That said hospital commission shall have complete authority to permit persons desiring hospitalization to subscribe to weekly or monthly plan of payment for the hospital service, each of whom shall be entitled to a certificate or receipt of the payment and for what period of time said service shall be available for said payment of said fees or compensation and in determining the rate of fees or compensation to be charged by it for said hospital, said Commission may determine upon the family group plan or individual fee plan or both, whichever in its own judgment may seem to be to the best interest of said City and may secure the service of an actuary and such expert advisers as are necessary and proper to fix the rate to be charged for said service and in determining the rate or fees of said hospital shall obtain for the carrying out of the provisions of this section of said Act said hospital Commission is authorized to employ such persons as are necessary and proper to put plan in force and effect and to collect the payments to be made under said plan of hospitalization.

Section 5. That said hospital commission shall have authority to accept gifts for endowment, operation and maintenance of said hospital and for the carrying out of the provisions of this Act; and shall have full power and authority to manage, control, maintain and operate hospitals, health clinics, and nurse training schools in connection with the operation of said hospitals, all for the City of Phenix City, Alabama, as fully and completely as is now or may hereafter be authorized by law for municipalities in Alabama.

Section 6. Said Commission shall not have authority to sell or convey real estate acquired by the City of Phenix City, Alabama, for hospital purposes without the consent or approval of the Board of Commissioners of the City of Phenix City, Alabama, or governing body of said City.

Section 7. Should any part of this act be declared unconstitutional or invalid, for any reason, the remaining portion thereof shall continue and remain in full force and effect.

Section 8. All laws or parts of laws in conflict herewith be and the same are hereby expressly repealed.

Section 9. Said Act shall become effective upon its passage and approval by the Governor.

Approved June 19, 1947.

No. 18)

(H. 128—Merrill)

## AN ACT

To allow the Sheriff of Cleburne County, Alabama, two additional deputies; to provide for the fixing of the salaries of said deputies and to make the same payable out of the General Funds of Cleburne County in monthly installments.

*Be it Enacted by the Legislature of Alabama:*

SECTION ONE: That the Sheriff of Cleburne County, Alabama, is hereby allowed two additional deputies to the deputy now provided by law, which said deputies shall receive a salary to be fixed by the Court of County Commissioners of Cleburne County, Alabama, and payable in twelve equal monthly installments out of the General Funds of said County; that said deputies shall be eligible to perform the duties of deputy sheriff anywhere in said County.

SECTION TWO: That on the first day of each month, a statement of the name and amount due each said deputy Sheriff shall be furnished to the Court of County Commissioners by the Sheriff, and it shall thereupon be the duty of said Court to order a warrant drawn upon the General Fund of the County payable to said each deputy sheriff for the amount of one month's salary as hereinabove provided.

SECTION THREE: Any salaries heretofore paid additional deputies are hereby ratified.

SECTION FOUR: If any section or provision or part of this Act shall be declared unconstitutional for any reason, the remainder of this Act shall not be affected thereby.

SECTION FIVE: That all laws or parts of laws in conflict with this Act are hereby repealed.

SECTION SIX: That this Act shall take effect upon its passage and approval by the Governor.

Approved June 19, 1947.

No. 24)

(H. 21—Evans)

## AN ACT

To provide further for the registration and payment of claims against the fine and forfeiture fund of Choctaw County which were outstanding on June 9, 1945.

*Be it Enacted by the Legislature of Alabama:*

Section 1. All claims which were outstanding against the fine and forfeiture fund of Choctaw County on June 9, 1945, that were not registered as legal claims against the general fund of Choctaw County, as provided by Local Act 98, approved June 9, 1945, are revived and are declared to be legal claims against the general fund of Choctaw County, provided they are registered with the county treasurer within ninety days after the passage of this Act. Claims shall be paid according to the order of registration. Claims not registered within the time herein specified shall be void.

Approved June 27, 1947.



No. 25)

(H. 22—Evans)

## AN ACT

To amend Section 2 of Act 156, Local Acts, 1927, entitled, "To provide for the election of a County Superintendent of Education for Choctaw County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to provide for his giving bond, to define his qualifications, powers and duties and to provide for appointment or election of his successor in office", approved July 15, 1927, by changing the annual salary of the County Superintendent of Education of Choctaw County from twenty-five hundred dollars to thirty-six hundred dollars.

*Be it Enacted by the Legislature of Alabama:*

Section 1. Section 2 of Act 156, Local Acts, 1927, which relates to the office of County Superintendent of Education of Choctaw County, is amended to read: "The salary of the County Superintendent of Education of Choctaw County shall be thirty-six hundred dollars a year and shall be paid in the same manner as the general law of the State provides the salaries of county superintendents of education in the several counties shall be paid. The Board of Education of Choctaw County may allow the County Superintendent of Education actual traveling expenses, not to exceed the sum of six hundred dollars a year, incident to the duties of his office."

Section 2. This Act shall take effect immediately upon its passage.  
Approved June 27, 1947.

No. 28)

(H. 152—Ganey &amp; Leonard)

## AN ACT

To amend Section 2 of an Act entitled: "An Act To Provide additional duties and confer additional powers on each member of the Court of County Commissioners of Talladega County, Alabama in supervising the construction, maintenance and upkeep of the roads and bridges in his District and to fix the salary and compensation of said Commissioners" Approved February 18, 1927.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Section 2 of an Act entitled "An Act to Provide additional duties and confer additional powers on each member of the Court of County Commissioners of Talladega County, Alabama in supervising the construction, maintenance and upkeep of the roads and bridges in his District and to fix the salary and compensation of said Commissioners," approved February 18, 1927, be and the same is hereby amended so as to read as follows: "Sec. 2. That each member of the Court of County Commissioners of Talladega County, except the Probate Judge on presentation to the Court of County Commissioners of a monthly written report, which report shall show road inspections and due diligence on the part of such Commissioner in the performance of his duties, which must be approved by the Commissioners Court, shall receive a monthly salary of One Hundred (100.00) Dollars a month, beginning Jan. 20, 1947, which shall be in lieu of all

fees, compensation and expenses allowed by law to such Commissioner for services rendered in and about such Commissioners Court, including the work required as members of the Board of Review, the payment of such salary to be made out of the County treasury by warrant drawn by the Probate Judge on the treasury of the County on the first of each month for the preceding month. That the Probate Judge shall receive as compensation for his services as a member of such Commissioners Court the sum of Three (\$3.00) Dollars for each day or part of a day which he shall preside over the sessions of said Court and such actual expense as he may incur in the performance of his duties, said compensation to be paid on the first of each month for the preceding month out of the County treasury by warrant of such Judge drawn on the treasury of the County."

Section 2. This Act shall become effective immediately upon its approval by the Governor.

Section 3. All laws and parts of laws in conflict or inconsistent with this Act be and are hereby repealed, otherwise to remain in full force and effect.

Approved June 30, 1947.

No. 29)

(H. 159—Still

### AN ACT

To authorize and empower the Sheriff of Chambers County, Alabama, to appoint, in addition to the deputy or deputies as now provided by law, a special or general deputy, fix his tenure of office, prescribe his duties, fix his compensation and to authorize and require the Court of County Commissioners to pay the same by warrant drawn on the treasurer and paid out of the general fund of said County, and to require said deputy to give bond in the sum of \$2000.00, payable to said Sheriff, with conditions as required by law.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Sheriff of Chambers County, Alabama, be and is hereby authorized and empowered to appoint, in addition to the deputy or deputies as now provided by law, a special or general deputy, who shall hold office at the pleasure of the Sheriff, and who shall perform such services as said Sheriff may require of him, either as field deputy or other such services as said Sheriff may direct in the line and scope of duty pertaining to the Sheriff's office.

Section 2. That said deputy shall receive as compensation not less than \$150.00 per month and not more than \$200.00 per month, and to be fixed by the Court of County Commissioners of said County.

Section 3. That the Court of County Commissioners of Chambers County, Alabama, is hereby authorized and required to draw warrants in favor of such deputy on the Treasurer of said County, each month for the preceding month's work, on the certificate of the said Sheriff that said work has been performed, for such amount as is provided in Section 2 of this Act, said warrants to be paid out of the general fund of said County.

Section 4. That said Sheriff shall require such deputy to make bond payable to him in the sum of \$2000.00, conditioned as required by Section 2595 of the Code of Alabama, 1923.

Section 5. That this Act shall take effect upon its approval by the Governor.

Approved June 27, 1947.

No. 30)

### AN ACT

(H. 160—McClendon

To provide for a clerk in the office of the Clerk of the Circuit Court of Chambers County, Alabama; to fix the method and basis of such clerk's employment and compensation, and to designate the fund from which payable. To repeal all laws in conflict herewith; to provide that the partial invalidity of this act shall not affect the remainder thereof; and to fix the time when this act shall become effective.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The Clerk of the Circuit Court of Chambers County, Alabama is hereby authorized to employ a clerk, if in his judgment it is necessary to the proper functioning of his office, said clerk to serve at the will and pleasure of the Clerk of the Circuit Court of Chambers County, Alabama. The Clerk of the Circuit Court of said County shall fix the salary of such clerk at Twelve Hundred (\$1200.00) dollars per annum.

Section 2. The salary of said clerk appointed as hereinbefore provided shall be paid out of the General Fund of Chambers County, Alabama, in equal monthly installments of One Hundred (\$100.00) dollars per month, said payments to be made by warrant drawn by the Court of County Commissioners of Chambers County, Alabama.

Section 3. Should any clause, sentence, paragraph, part or section of this act be invalid, such invalidity shall not affect, impair or invalidate the remainder of this act.

Section 4. All laws, general, local and special, in conflict herewith are hereby repealed insofar as they conflict herewith.

Section 5. This act shall become effective upon its passage and approval by the Governor.

Approved June 27, 1947.

No. 31)

### AN ACT

(H. 161—McClendon

To alter or re-arrange the boundary lines of the City of Lanett, Chambers County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Chambers County, Alabama:

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the boundaries of the City of Lanett, Chambers

County, Alabama, be, and the same are hereby altered and rearranged so as to include within the corporate limits of said City of Lanett, Alabama, all that territory embraced within the following lines: Beginning at an iron pin which is the South-east corner of the Northeast  $\frac{1}{4}$  of Section Number 26, T. 22, R. 28, Chambers Co. Alabama, said pin also being located on the South margin of Bluffton st. and opposite the South end of what is known as City Limits St; Thence West along the South margin of Bluffton St. for 3500 feet to a concrete monument for a corner and starting point of the lines to be described; Thence with a M. B. of S.  $26^{\circ} 45'$  E. for 4357.2 feet for a corner; Thence with a M. B. of S.  $47^{\circ} 47'$  E. for 2294 feet for a corner located on the North margin of the W. of A. Railroad right-of-way; Thence in a North Easterly direction along the North and North-west margin of said right-of-way for 4614 feet more or less to an iron post which is the Southeast corner of the Lanett Mill Yard and is located on the North margin of Park St.; Thence in a westerly direction along the North margin of Park St. and across Gilmer St. (U. S. Highway #29) to a point for a corner located on the West Margin of Gilmer St.; Thence with a M. B. of N.  $13^{\circ} 13'$  E. Along the West margin of Gilmer St. for 4898.3 feet to a point for a corner located on the Alabama & Georgia State Line; Thence with a M. B. of N.  $10^{\circ} 40'$  W. along said State Line for 2991 feet to a point for a corner, said corner being the approximately center of the West Point Water Supply Reservoir; Thence with a M. B. of N.  $74^{\circ} 40'$  for 5480.7 feet to a point for a corner located on the East margin of the West Point and Fredonia Road; Thence with a M. B. of S.  $9^{\circ} 30'$  W. for 6842 feet to a concrete monument for a corner and starting point. The above described lines encompass lands in Sections Numbered 23-24-25-26-35 and 36 all in T. 22, R. 28, Chambers County, Alabama.

Section 2. That the boundaries set out in Section 1 of this Act, be and the same are hereby established as the corporate limits of the said City of Lanett, Chambers County, Alabama.

Section 3. That this Act shall go into effect immediately upon its approval by the Governor.

Approved June 27, 1947.

No. 32)

(H. 162—Coburn

### AN ACT

To establish a Law and Equity Court for Colbert County, Alabama; to define its jurisdiction and powers; to provide for its officers, their appointment, election, terms of office, powers, duties and compensations; to provide that said court shall be open at all times for the trial of causes and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, County Court, Probate Court, and the Juvenile Court; and to give the said court juvenile and domestic jurisdiction; and to abolish the County Court of Colbert County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That there is hereby established in and for Colbert County, Alabama, an inferior court of law, both civil and criminal, and of equity which shall be called Colbert Law and Equity Court, and which shall be a court of record, and which shall have and exercise concurrent jurisdiction now conferred or which hereafter may be conferred upon the several circuit courts of the state, provided, however, that in cases at law, the amount involved, exclusive of interest and costs, does not exceed \$3000.00, and provided further that the said law and equity court shall not have jurisdiction to try persons charged with felonies; and shall have concurrent jurisdiction with the Justices of the Peace of Colbert County, in all matters whatsoever; and shall also have and exercise such further jurisdiction, authority, functions, and powers as are hereinafter conferred upon it by this Act.

Section 2. That the judge for said court shall be appointed by the Governor of the State immediately after the approval of this Act. The term of office of the judge so appointed shall begin immediately upon his appointment and qualification, and shall continue until the first Monday after the second Tuesday in January in the year 1949, or until such time as the successor shall be duly elected and qualified. At the general election to be held in the year 1948 and each sixth year thereafter, the judge of said court shall be elected by the qualified electors of Colbert County, Alabama, voting at such elections. The term of office of the first judge so elected shall begin on the first Monday after the second Tuesday in January in the year 1949, and the term of office of the judge subsequently elected shall begin on the first Monday after the second Tuesday in January of each sixth year thereafter. The term of office of the judge of said court shall be for a period of six years. The judge of said court before entering upon the duties of said office shall take the oath required by law to be taken by the judges of Circuit Courts of Alabama. The said judge shall be a qualified elector of Colbert County, Alabama, shall be learned in the law, shall be a member of the Alabama Bar in good standing, and shall be not less than twenty-five years of age. The said judge shall devote his entire time to the duties of his office. Said judge may be removed from office in the manner, and for the causes, now provided by law for the removal of Circuit Judges.

Section 3. Vacancies in the office of the judge of said court shall be filled by appointment by the Governor, and the person so appointed shall hold office as required by the Constitution and law of this state.

Section 4. That the clerk of the Circuit Court of Colbert County, Alabama, shall be ex-officio clerk of the Colbert Law and Equity Court and shall have the same powers and discharge the same duties as clerks of the Circuit Courts, and shall be subject to the same pains and penalties with regard to the duties of the office, and shall be entitled to the same fees and commissions as are now, or as may hereafter be, allowed to Circuit Clerks of Alabama, except as hereinafter

provided, and the same shall be collected as such fees and commissions are collected in the Circuit Courts; except that in civil matters where suit is brought for \$100.00 or less only the fees and commissions allowed by law to Justices of the Peace shall be collected; and said clerk shall exercise the same powers and perform the same duties as are exercised and performed in the Circuit Court. That the Register of the Circuit Court in Equity shall be ex-officio Register of the Colbert Law and Equity Court and shall have the powers and discharge the duties which shall devolve upon the Register of the Colbert Law and Equity Court; and shall be subject to the same pains and penalties with regard to the duties of the office and shall be entitled to the same fees and commissions as are now, or as may hereafter be, allowed to the Register of Circuit Courts in Equity, and the same shall be collected as such fees are collected in Circuit Courts.

Section 5. That the judge of said court shall receive a salary of forty-eight hundred dollars per annum, payable in equal monthly installments out of the county treasury at the end of each month, his signed receipt being required.

Section 6. That the solicitor for said court shall be appointed by the Governor of Alabama immediately after the approval of this Act. The term of office of said solicitor shall begin immediately upon his appointment and qualification and shall continue until the first Monday after the second Tuesday in January in the year 1949, or until his successor is duly elected and qualified. At the general election to be held in the year 1948 and at the general election to be held each sixth year thereafter, the solicitor for the Colbert Law and Equity Court shall be elected by the qualified electors of Colbert County, Alabama, voting at said election. The term of office of each solicitor so elected shall begin on the first Monday after the second Tuesday in January in the year following his election, and the term of office of such solicitor shall be for a period of six years. The solicitor for said court before entering upon the duties of said office shall take the oath required by law to be taken by the circuit solicitors of Alabama. The said solicitor shall be a qualified elector of Colbert County, Alabama; shall be a member of the Bar of Alabama in good standing; shall be learned in the law, and he shall be allowed to continue to practice law while acting as such solicitor, except that he shall not represent defendants in any criminal cases in any courts in this state. The duties of said solicitor shall be those now prescribed by law in this State. Said solicitor may be removed from office in the manner and for the causes now provided by law for the removal of Circuit Solicitors.

Section 7. Vacancies in the office of solicitor of said court shall be filled by appointment by the Governor, and the person so appointed shall hold office as required by the Constitution and laws of this state.

Section 8. That the solicitor of said court shall receive a salary of Twenty-four hundred dollars per annum, payable in equal monthly installments out of the county treasury at the end of each month, his signed receipt being required.

Section 9. That the said Law and Equity Court shall be held at the court house of Colbert County, Alabama, and that said court shall be open at all times for the trial of cases and transaction of business. In case of sickness or disqualification of the judge of said court, the law applicable to the appointment and service of special judges in the Circuit Court shall apply. The judge of said court shall be subject to the same penalties for failure to attend upon the court as are Circuit Judges of this State. The judge of said court shall keep an office in the court house of Colbert County, Alabama, or at such other suitable place as may be provided by the County Commissioners of Colbert County, and it shall be the duty of the Board of Commissioners of Colbert County to provide such office and supply the same with all furnishings, fixtures, stationery and other supplies necessary to enable the judge of said court efficiently to conduct the affairs of his office.

Section 10. The judge of said court may determine and fix the time of holding the sessions of said court for the trial of all cases, both civil and criminal; provided, however, that all civil and criminal cases in which no jury is demanded, shall be called for trial at least once in each calendar month, and for the trial of civil and criminal cases wherein juries have been demanded there shall be not less than three sessions of court each year, the time of said sessions to be fixed by the court by order entered upon the minutes of the court. Provided, however, that the court shall have the right and power to call extraordinary sessions of said court whenever in the judgment of the court the same are necessary.

Section 11. That it shall be the duty of the presiding judge of the Circuit Court of Colbert County, Alabama, immediately after the approval of this Act, to make an order transferring to the Colbert Law and Equity Court all cases pending on the docket of the Circuit Court against persons charged with a misdemeanor, and after the approval of the Act each and every indictment returned by a grand jury of Colbert County against persons charged with the commission of a misdemeanor shall at once be transferred to the Colbert Law and Equity Court by the Clerk of the said Circuit Court and the jurisdiction of the Colbert Law and Equity Court shall attach to said cause and the jurisdiction of the said Circuit Court shall cease and it shall be the duty of the Clerk immediately to issue capiases against said parties so charged with a misdemeanor returnable to the Colbert Law and Equity Court.

Section 12. All civil cases now or hereafter pending in the Circuit Court of Colbert County, Alabama, where the amount involved does not exceed \$3000.00, and all actions of ejectment, forcible entry and unlawful detainer and all actions for the trial of the right of property may be by agreement of the parties thereto transferred from the said Circuit Court to Colbert Law and Equity Court; that all cases in equity brought in the Colbert Law and Equity Court may, as a matter of right, be transferred from the said Colbert Law and Equity Court to the Circuit Court in Equity on motion of the Respondent or his attorney filed within thirty days after the service of process is perfected.

Section 13. That the procedure, practice and rules governing the Circuit Courts of Alabama now, or which hereafter may be adopted, shall in all things apply to and govern the procedure and practice of the Colbert Law and Equity Court except as otherwise provided herein.

Section 14. The sheriff of Colbert County shall, in person or by a deputy, or deputies appointed by him, said appointment to be approved by the judge of said court be required to attend upon said court in preserving order, and execute all writs or process and perform such other duties, in all respects as in the Circuit Courts of this State, and each deputy required, not exceeding three, for attendance upon said session of said court, shall receive the sum of \$2.00 per day, payable out of the county treasury upon the warrant of the judge of said court, provided that such deputies shall not receive pay except for the time that the court is actually in session and none of such compensation to the deputies shall be shared in by the sheriff, and for the service by the sheriff of the process of said court, he shall receive such compensation as he receives under the law of the State of Alabama or any laws enacted in the future by the Legislature of Alabama for the compensation of the sheriff for similar services in the Circuit Court, except as herein otherwise provided.

Section 15. That if, for any reason, forfeiture be taken on any bond on the criminal side of said court, the court may order the alias capias returnable instanter or within ten days, and unless the party or parties against whom the forfeiture is taken shall appear and show cause, when the forfeiture is returnable, why the forfeiture should be set aside, then the court is hereby authorized and empowered to make the judgment final.

Section 16. That the judge of the Colbert Law and Equity Court shall adopt a seal for the law side of the docket of the Colbert Law and Equity Court which shall be kept in the custody and control of the Clerk of the court. The said judge shall also adopt a seal for the Equity side of the Colbert Law and Equity Court which shall be kept in the custody and control of the register of the court.

Section 17. That all actions of ejectment, forcible entry and unlawful detainer, and all other civil cases are to be tried by the court without the intervention of a jury, unless at the time of filing the suit, the plaintiff shall endorse upon the summons and complaint a demand for a jury trial, or unless the defendant or claimant at the time of filing the first pleadings in the case or at the time of making his appearance, shall demand a trial by jury, in writing, to be filed in the cause; provided, however, that all cases involving less than twenty dollars (\$20.00) shall be tried by the court without the intervention of a jury; and provided further that all misdemeanor cases, except as herein otherwise provided, shall be tried without the intervention of a jury unless a demand in writing be filed in the cause within fifteen days after the arrest of the defendant, or a demand for a jury is endorsed upon the bond at the time of making the same.

Section 18. That the Colbert Law and Equity Court shall have



jurisdiction of all causes brought by appeal or certiorari from the judgments of Justices of the Peace, Recorders, or other inferior courts, and the procedure, practice and rules governing such appeals now, or which hereafter may be adopted, shall be the same as in the cases of appeals from such courts to the Circuit Courts or courts of like jurisdiction; provided, however, that the Colbert Law and Equity Court shall not have jurisdiction in causes appealed from judgments of Justices of the Peace, Recorders, or other inferior courts where appeal to the Circuit Court only is now, or hereafter may be, provided by law.

Section 19. When the summons, writ of attachment, summons and complaint in attachment, or other process either in law or in equity has been executed on the Defendant or service perfected on him, as required by law, the Defendant shall appear and plead, answer, or demur thereto within the time now, or which hereafter may be, provided by law; provided, however, that in all causes over which the Justice of the Peace Courts have, or hereafter may have, concurrent jurisdiction with the Colbert Law and Equity Court, the Defendant shall appear and plead, answer or demur thereto within the time now, or which hereafter may be, provided by law for appearing and pleading, answering or demurring in the Justice of the Peace Courts. Judgments by default or decrees pro confesso may be rendered or set aside in the manner now, or which hereafter may be, provided by law.

Section 20. That said Colbert Law and Equity Court shall have exclusive jurisdiction over children and the Judge of said Law and Equity Court shall be the Judge of the Juvenile Court; it being the intention to confer complete, full, unlimited and exclusive jurisdiction upon the Colbert Law and Equity Court of all juvenile matters and juvenile jurisdiction in Colbert County, Alabama, as now provided under Title 13, Chapter 7, Sections 350 to 383, both inclusive, of the Code of Alabama of 1940, or as hereafter amended, and appeals in such cases shall be as provided by law. The Register in Equity is hereby made the Clerk of such Juvenile Court.

Section 21. That this court shall have exclusive and original jurisdiction of all cases arising under title 34, Article 3, Sections 89 to 104, both inclusive, of the Code of Alabama of 1940, or as hereafter amended, which Article 3 is entitled Desertion and Non-Support. That the trial of such cases shall be by the court without a jury and appeals in such cases shall be as provided by law. That the Judge of said Law and Equity Court shall be the Judge of the Domestic Relations Court, it being the intention to confer complete, full, unlimited and exclusive jurisdiction upon the Colbert Law and Equity Court of all domestic relations matters arising under Title 34, Article 3, Sections 89 to 104, both inclusive, of the Code of Alabama of 1940, as amended or as hereafter may be amended.

Section 22. That all jurors for Colbert Law and Equity Court shall be summoned from the entire county; that the venire for said court shall consist of 44 jurors drawn as provided by law for the drawing and summoning of jurors for the Circuit Courts of Alabama.

Section 23. Prosecutions for misdemeanors committed in Colbert County may be instituted in the said court by making an affidavit before the judge of said court or the clerk thereof, the writ on said affidavit to be issued by the judge or clerk of said court, and when the defendant is arrested on said affidavit and warrant, the case shall go on the docket for trial, and be tried as though the defendant had been indicted by a grand jury, provided, however, that the affidavit or complaint may be amended as now provided for amendment of such papers by Section 347, Title 13, of the Code of Alabama of 1940.

Section 24. The judge of said court shall have power to issue search warrants, writs of habeas corpus, prohibition, certiorari, quo warrants, injunctions and all other special and extraordinary writs, and the procedure, practice and rules of the Circuit Courts of Alabama relating to such writs as are now, or which hereafter may be provided, by law, except as otherwise provided in this Act, shall prevail in the Colbert Law and Equity Court, and the judge thereof shall have the same powers and authority, including punishment for contempt as is or hereafter may be conferred upon the judges of the Circuit Courts of Alabama, unless otherwise provided in this Act.

Section 25. That from and after the passage of this act all fines and forfeitures assessed and collected in said court shall be deposited in The Fine and Forfeiture Fund of Colbert County, Alabama.

Section 26. That claims accruing in the Colbert Law and Equity Court will be claims against said fund, and such claims must be paid in the order in which they are registered, as provided by law.

Section 27. It shall be the duty of the clerk of said court to keep a record upon which shall be recorded all affidavits made before the judge or clerk of said court, or returnable by a justice of the peace, or judge of an inferior court in said county, to said court and if any of said affidavits should be lost or destroyed, a certified copy of the said record shall be used the same as the original affidavit and for recording each of said affidavits, the clerk shall receive a fee of seventy-five cents to be taxed as costs in case of the defendants conviction.

Section 28. That the Supreme Court and Court of Appeals of this state shall have appellate and supervisory jurisdiction over said court and the judge thereof, which may be exercised in the same manner as such jurisdiction may be exercised over the Circuit Courts of the State, and the judge thereof, and appeals may be taken from the orders and judgments of said court to the Supreme Court and Court of Appeals in the same manner, and within the same time, as appeals are now taken from the orders and judgments of the Circuit Courts of the State, except as herein provided for appeals to the Circuit Court. The same rules, regulations and laws applicable to appeals from the Circuit Court to the Supreme Court or Court of Appeals shall govern appeals in all cases from the Colbert Law and Equity Court to the Supreme Court or Court of Appeals, unless otherwise provided in this Act.

Section 29. Judgments or decrees rendered by the Colbert Law and Equity Court shall be a lien on the property of the judgment debtor

which is subject to levy and sale under execution in the same manner and for the same period of time as is now, or as hereafter may be, provided by law for courts of record of this state upon the filing in the office of a Judge of Probate of a certificate of the said judgment or decree issued by the Clerk or Register of the said court as it now, or as hereafter may be, provided by law; and the said judgment or decree may be revived in the manner now, or as hereafter may be, provided by law.

Section 30. The venue of any case in the said Colbert Law and Equity Court may be changed to other counties as it is now, or as it hereafter may be, provided by law for the several Circuit Courts of like jurisdiction.

Section 31. The judge of this court shall secure the services of a competent shorthand writer to attend the terms of this court and report in shorthand all cases tried herein and during the time he or she is actually engaged in reporting and transcribing for the court or the attorneys he or she is an officer of this court, and he or she shall receive a salary to be fixed by the judge of said court and not to exceed One Hundred Fifty Dollars per month, and said salary shall be paid in monthly installments at the end of each month and shall be paid to him or her from the funds of the county by the County Treasurer or other custodian of said funds, on a warrant drawn thereon by the judge of this court, provided, however, the judge of this court shall have the right to remove said reporter from office at his pleasure. In addition to the compensation herein provided for, said reporter shall be entitled to tax and collect from the litigant or his attorneys for whom he is making a transcript of the evidence the sum of ten cents per hundred words for said transcript, and when such transcript is made the reporter shall append thereto his certificate to the correctness of the same as such official reporter. The stenographer's notes shall be preserved and filed as now provided by law in the Circuit Court.

Section 32. That in all civil cases reported by such reporter in this court there shall be taxed and collected as a part of the cost of the case a fee of \$5.00 for each day or fraction thereof, that such reporter shall be engaged in reporting a case, and when collected to be paid by the Clerk into the treasury of Colbert County, except in civil cases involving the sum of \$50.00 or less, in which cases no fee shall be taxed as costs for the services of the reporter.

Section 33. That final judgments rendered in said court shall, after the expiration of thirty days from their rendition, be taken and deemed to have passed beyond the control of said court, as if the term of court at which judgments were rendered had ended, provided, however, that nothing herein contained shall prevent the parties applying for a new trial or rehearing within thirty days or change or destroy the office of motion for new trials or rehearings, when so made, or shall prevent parties from applying to the court for rehearing under statutes authorizing applications for rehearing in the Circuit Court.

Section 34. That there shall be taxed against the defendant on

conviction the same solicitor's fee and the same shall be collected in the way provided by law for taxing and collecting solicitor's fees in the Circuit Court, and when collected shall be paid into the treasury of Colbert County, Alabama.

Section 35. That the County Court of Colbert County is hereby abolished, and from and after the passage of this Act shall no longer exist and no officers of this state shall collect any fees or salary because of said court or for services rendered in said County Court and all cases pending in said County Court of Colbert County, Alabama, when this act becomes a law, shall immediately become pending upon the docket of the Colbert Law and Equity Court as though originally brought in said Court, and shall be called for trial on the first Monday in the month following the approval of this Act, at which time any defendant whose case has been pending in said County Court may demand a trial by jury, unless otherwise provided in this Act.

Section 36. That a trial tax of three dollars (\$3.00) shall be imposed in each case, civil, criminal and equity, which is docketed in said Law and Equity Court, to be taxed and collected as other costs, and when collected, to be paid by the Clerk or Register of said Law and Equity Court, into the general funds of the county as other costs, provided, however, that in civil cases at law where the amount involved is Fifty Dollars or less, a trial tax fee of only \$1.00 shall be imposed and collected.

Section 37. That the Clerk and Register, with the approval of the judge of said court, are hereby authorized and required to purchase all necessary furnishings, records, stationery, and supplies for the equipment and maintenance of said court, and the same shall be paid out of the county treasury upon warrants drawn by the judge and signed by the clerk.

Section 38. That if, for any reason, any section, provision or clause of this Act shall be held to be unconstitutional or invalid, that fact shall not destroy the constitutionality of this Act except as to that clause or section.

Section 39. That all laws in conflict with this Act, are hereby repealed.

Section 40. That this Act shall become effective immediately upon its passage and approval by the Governor.

Approved June 27, 1947.

No. 33)

(H. 205—Bush

### AN ACT

To amend Section 1 of Act 102, approved June 6, 1935, which relates to the method of selecting and the term of office of the Superintendent of Education for Macon County, by providing for his appointment by the Board of Education for Macon County.

*Be it Enacted by the Legislature of Alabama:*

Section 1. Section 1 of Act 102, approved June 6, 1935, which

relates to the method of selecting and the term of office of the Superintendent of Education for Macon County is amended to read: "The Board of Education for Macon County shall appoint the Superintendent of Education, who shall hold office for a term of four years and until his successor is selected and qualified. The term of office shall commence the first day of July next succeeding his appointment."

Section 2. This Act shall become effective upon its passage and approval by the Governor.

Approved June 25, 1947.

No. 34)

(H. 208—Davis and Vann

### AN ACT

To provide for exemption of property from ad valorem taxation by the City of Huntsville until the fiscal year beginning October 1, 1947, in any area which may be added to the corporate limits of the City of Huntsville by any act of the Legislature of Alabama passed at any time during the session of such Legislature of Alabama beginning on the first Tuesday in May, 1947.

*Be it Enacted by the Legislature of Alabama:*

Section one. All property located in any area which may be added to the corporate limits of the City of Huntsville by any act of the Legislature of Alabama passed at any time during the session of such Legislature beginning on the first Tuesday in May, 1947, shall be exempt from ad valorem taxation by the City of Huntsville until the fiscal year beginning on October 1, 1947.

Section two. This act shall be effective upon its passage or approval by the Governor or upon its otherwise becoming a law.

Approved June 27, 1947.

No. 35)

(H. 228—Leonard and Ganey

### AN ACT

To fix the salary of the Deputy Solicitor of Talladega County, Alabama

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the salary of the Deputy Solicitor for Talladega County, Alabama, be, and the same is hereby fixed at the sum of Twenty Four Hundred (\$2400.00) Dollars per year, payable in monthly installments of Two Hundred (\$200.00) Dollars per month, payable out of the General Fund of Talladega County, Alabama.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. That this Act shall go into effect immediately upon its passage and approval by the Governor.

Approved June 27, 1947.

No. 40)

(S. 160—Henry H. Mize

## AN ACT

To amend Section 613, Title 62, Code of Alabama of 1940, which relates to the election, qualifications, and compensation of a recorder or municipal judge for the City of Tuscaloosa.

*Be it Enacted by the Legislature of Alabama:*

Section 613, Title 62, Code of Alabama of 1940 is amended to read: "The commission board shall elect some person who is learned in the law to act as recorder or municipal judge. The recorder or municipal judge shall try all cases arising from the violation of ordinances or other laws over which such court has jurisdiction. The term of office, compensation, and qualifications of the recorder or municipal judge shall be fixed and determined by the commission board."

Approved July 1, 1947.

No. 41)

(S. 159—Henry H. Mize

## AN ACT

To fix the term of office of the Tax Collector of Tuscaloosa County, Alabama, and to provide for his election.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That after the expiration of the present term of the present incumbent of the office of Tax Collector of Tuscaloosa County, Alabama, and beginning on the first Day of October 1949, the term of office of the Tax Collector of Tuscaloosa County, Alabama, shall be for a period of four years, and he shall hold office until his successor is elected and qualified.

Section 2. There shall be elected at the general election in November, 1948, and every four years thereafter, a Tax Collector for Tuscaloosa County, Alabama, who shall perform such duties as are now prescribed by law, or as may hereafter be provided by law, and whose term of office shall be for four years from the first day of October next succeeding his election, and until his successor is elected and qualified.

Section 3. That all laws or parts of laws in conflict herewith are hereby repealed.

Section 4. This Act shall take effect immediately upon its approval by the Governor.

Approved July 1, 1947.

No. 42)

(S. 158—Henry H. Mize

## AN ACT

To fix the term of office of the Tax Assessor of Tuscaloosa County, Alabama, and to provide for his election.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That after the expiration of the present term of the present incumbent of the office of Tax Assessor of Tuscaloosa County,

Alabama, and beginning on the first day of October, 1949, the term of office of the Tax Assessor of Tuscaloosa County, Alabama, shall be for a period of four years, and he shall hold office until his successor is elected and qualified.

Section 2. There shall be elected at the general election in November, 1948, and every four years thereafter, a Tax Assessor for Tuscaloosa County, Alabama, who shall perform such duties as are now prescribed by law, or as may hereafter be provided by law, and whose term of office shall be for four years from the first day of October next succeeding his election, and until his successor is elected and qualified.

Section 3. That all laws or parts of laws in conflict herewith are hereby repealed.

Section 4. This Act shall take effect immediately upon its approval by the Governor.

Approved July 1, 1947.

No. 43)

(S. 150—Graham Wright

#### AN ACT

To alter and re-arrange the boundary lines of the City of Talladega, Alabama and to describe the area included in such boundary lines and within the corporate limits of said City of Talladega, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the boundary lines of the City of Talladega in the County of Talladega in the State of Alabama be altered and re-arranged so that the City of Talladega shall include in its corporate limits the territory described as follows: to-wit: All of Section Fourteen bounded as follows: Beginning at the Southwest corner of said Section and running North along the West boundary line 1,098.44 feet, thence North 64 degrees 3 minutes 30 seconds East, a distance of 1,419.93 feet, thence North 25 degrees 48 minutes and 30 seconds West, a distance of 535.98 feet, thence North 64 degrees 11 minutes 30 seconds East, a distance of 950 feet, thence South 25 degrees 48 minutes 30 seconds East, a distance of 318 feet, thence North 64 degrees 11 minutes 30 seconds East, a distance of 1,308.20 feet, thence South 25 degrees 48 minutes 30 seconds East, a distance of 2,439.50 feet, thence South 80 degrees 25 minutes 30 seconds West, a distance of 53.70 feet, thence South 11 minutes West, a distance of 711.63 feet to the South boundary line of Section Fourteen, thence West along said South boundary line to point of beginning, that part of East half of Section Fifteen bounded as follows: Beginning at The Southeast corner of Section Fifteen and running Westerly along the South boundary line of said Section, a distance of 2,627.20 feet to the East side of Jackson Trace road, thence North 19 degrees 37 minutes East, a distance of 599.33 feet, to the beginning of a curve, the radius of which is 318.31 feet, thence along said curve to the right a distance of 150.56 feet, thence

North 46 degrees 43 minutes East, a distance of 248.01 feet, thence North 41 degrees 15 minutes 30 seconds East, a distance of 148.12 feet, thence North 35 degrees 39 minutes 30 seconds East, a distance of 196.58 feet, to the beginning of a curve, the radius of which is 243.81 feet, thence along said curve to the left, a distance of 246.95 feet, thence North 22 degrees 23 minutes West, a distance of 151.60 feet, thence North 51 minutes 30 seconds East, a distance of 1,088.46 feet, thence South 87 degrees 27 minutes 30 seconds East, a distance of 1,016.73 feet, thence North 2 degrees 32 minutes 30 seconds East, a distance of 348.59 feet, thence South 87 degrees 27 minutes 30 seconds East, a distance of 525 feet, thence South 2 degrees 32 minutes 30 seconds West, a distance of 348.59 feet, thence South 87 degrees 27 minutes 30 seconds East, a distance of 450 feet, to a point on the East boundary line of said Section Fifteen, which point is 2,668.89 feet South 48 minutes West, from the Northeast corner of said Section Fifteen, thence South along the East boundary line of Section Fifteen 2,668.89 feet to point of beginning, the Southeast Quarter of Section Twenty-one, the east half of Northeast quarter of Section Twenty-two, all that part of the Northwest quarter of the Northeast quarter and Northeast quarter of Northwest quarter of Section Twenty-two bounded as follows: Beginning at the Northeast corner of the Northwest quarter of Northeast quarter of said Section Twenty-two and running South along the East boundary line of said quarter a distance of 331.20 feet, thence South 77 degrees 59 minutes West, a distance of 1,479.60 feet to the East side of the Jackson Trace road, thence Northerly along the East side of said Jackson Trace to the North boundary line of Section Twenty-two, thence East along said North boundary line 2,627.20 feet to point of beginning, the South half of Section Twenty-two, all that part of the Northwest quarter of Section Twenty-three lying West of the East boundary of the Brecon Access road which is an extension of Seventeenth Street, the Southwest quarter and South half of the Southeast quarter of Section Twenty-three, all of Section Twenty-six, all of Section Twenty-seven, the East half of Section Twenty-eight, all that portion of the Northeast quarter of the Northeast quarter of Section Thirty-three lying East of the Talladega and Sylacauga Public Road, the North half of the Northwest quarter and the North half of the Northeast quarter of Section Thirty-four, and the South half of the Northeast quarter of Section Thirty-four, lying East of the extension of Spring Street, and the North half of the Northwest quarter and the Northwest quarter of the Northeast quarter of Section Thirty-five, all of the foregoing being in Township Eighteen South, Range five East; such area to be the area of the City of Talladega, Alabama.

Section 2. This Act shall in no wise affect, change or alter the Talladega School District as heretofore fixed in Section 2 of An Act of the Legislature of Alabama approved June 28, 1945 and recorded in Local Acts of Alabama of 1945 at Page 115 and the School District of the City of Talladega shall remain as heretofore fixed by said above mentioned Act of the Legislature.



Section 3. That if any provision or paragraph of this Act should be declared unconstitutional by the courts that it will in no way affect the other provisions or paragraphs of said Act.

Section 4. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 5. That this Act shall take effect immediately upon its passage and approval by the Governor.

Approved July 1, 1947.

No. 44)

(S. 132—Fite

### AN ACT

To amend Sections 2 and 8 of An Act entitled "An Act To further regulate the County Court of Marion County, Alabama; to define its jurisdiction and powers; to provide for a judge of said Court and for his election, and to prescribe his term of office, powers, jurisdiction, duties and compensation; to make said Court a court of record, and to provide that said court shall be open at all times for the trial of cases and the transaction of business; and to prescribe rules and procedure for said Court," approved May 15, 1943.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Section 2 of An Act entitled "An Act To further regulate the County Court of Marion County, Alabama; to define its jurisdiction and powers; to provide for a judge of said Court and for his election, and to prescribe his term of office, powers, jurisdiction, duties and compensation; to make said Court a court of record, and to provide that said Court shall be open at all times for the trial of cases and the transaction of business; and to prescribe rules and procedure for said Court," approved May 15, 1943, be and the same hereby is amended so as to read as follows: "Section 2. At the general election in 1946, and every six years thereafter, the Judge of said County Court shall be elected by the qualified voters of Marion County, and the Judge so elected shall hold office for the term of said years from the first Monday after the second Tuesday in January next after his election, and until his successor is elected and qualified. The Judge of said County Court before entering upon the duties of said office shall take the oath required by law to be taken by Judges of the Circuit Courts of Alabama. He shall receive an annual salary of twenty-four hundred dollars, payable in twelve equal installments, from the general fund of the County."

Section 2. That Section 8 of said Act described in Section 1 hereof be and the same hereby is amended so as to read as follows: "Section 8. The Judge of said County Court shall have jurisdiction in habeas corpus proceedings to the same extent that Probate Judges and justices of the peace now have; he shall have jurisdiction of bastardy proceedings and of matters involving the custody of children; he shall have the same power and authority to admit to bail that is by law conferred on Circuit Judges and Probate Judges; and he shall have the same powers and authority that are now, or may hereafter by law be, con-

ferred on the Judges of the County Courts of this State. In addition to his other duties, he shall, with respect to the issuance of attachments, perform the duties imposed and exercise the authority conferred upon Judges of Probate by Article 1 of Chapter 20 of Title 7 of the 1940 Code of Alabama."

Section 3. This Act shall take effect upon its approval by the Governor.

Approved July 1, 1947.

No. 45)

(S. 131—Fite

### AN ACT

To amend Sections 1 and 3 of An Act entitled "An Act To abolish the office of Deputy Solicitor of Marion County, and to create in lieu thereof the office of County Solicitor of Marion County; to provide for said County Solicitor and for his election; and prescribe his term of office, powers, duties, jurisdiction and compensation", approved May 15, 1943.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Section 1 of An Act entitled "An Act To abolish the office of Deputy Solicitor of Marion County, and to create in lieu thereof the office of County Solicitor of Marion County; to provide for said County Solicitor and for his election; and prescribe his term of office, powers, duties, jurisdiction and compensation", approved May 15, 1943, be and the same hereby is amended so as to read as follows: "Section 1. That the office of Deputy Solicitor of Marion County is hereby abolished, and there is hereby created in lieu thereof the office of County Solicitor of Marion County. At the general election in 1946, and every four years thereafter, the County Solicitor of Marion County shall be elected by the qualified voters of Marion County, and the County Solicitor so elected shall hold office for four years, commencing on the first Monday after the second Tuesday in January next after his election, and until his successor is elected and qualified. The County Solicitor shall receive an annual salary of eighteen hundred dollars, payable in twelve equal installments, from the general fund of the county."

Section 2. That Section 3 of said Act described in Section 1 hereof be and the same is hereby amended so as to read as follows: "Section 3. The County Solicitor shall prosecute all criminal cases in the County Court and shall assist the Circuit Solicitor in prosecuting all appeals therefrom to the Circuit Court, and shall have all the powers of, and shall perform all other duties now or hereafter provided by general law for, Deputy Solicitors. In addition to his other duties he shall, without additional compensation, act as guardian ad litem in all causes and proceedings in all the courts of Marion County wherein a guardian ad litem may be required."

Section 3. This Act shall take effect upon its approval by the Governor.

Approved July 1, 1947.

No. 48)

(H. 258—Harris &amp; Stewart

## AN ACT

To amend Section Four of an act entitled "An Act to ratify, heal and cure an Act of the Legislature of Alabama, approved September 6, 1927, and entitled: "An Act To Provide for the election of a County Superintendent of Education of Morgan County, Alabama, by the Qualified Electors thereof, to prescribe the duties and fix the term, compensation and qualifications of such officers;" to confirm and validate the election held under and in accordance with the provisions of said Act, and the election of George T. Woodruff as County Superintendent of Education of Morgan County as said election; to fix the term of office of the County Superintendent of Education of Morgan County; to prescribe his salary and the manner of payment; to define his qualifications, powers and duties and to provide for the election of his successors in office," approved March 5th, 1931 so that the salary of the County Superintendent of Education of Morgan County, Alabama, shall be \$4500.00 per year instead of \$3600.00 per year as now provided, beginning July 1, 1947.

*Be it Enacted by the Legislature of Alabama as follows:*

That Section Four of an act entitled "An Act to ratify, heal and cure an Act of the Legislature of Alabama, approved September 6, 1927, and entitled "An Act To Provide for the election of a County Superintendent of Education of Morgan County, Alabama, by the Qualified Electors thereof, to prescribe the duties and fix the term, compensation and qualifications of such officers;" to confirm and validate the election held under and in accordance with the provisions of said Act, and the election of George T. Woodruff as County Superintendent of Education of Morgan County at said election; to fix the term of office of the County Superintendent of Education of Morgan County; to prescribe his salary and the manner of payment; to define his qualifications, powers and duties and to provide for the election of his successors in office," approved March 5th, 1931 be and the same is hereby amended so as to read as follows: Section Four. That beginning on July 1, 1947, the beginning of the next term of the County Superintendent of Education of Morgan County, Alabama, the salary of said County Superintendent of Education shall be the sum of \$4500.-00 per year, and shall be paid by the County Board of Education of Morgan County, Alabama, at the time and in the manner provided by the general laws of this State for the payment of salaries of County Superintendents of Education.

Approved June 27, 1947.

No. 55)

(S. 174—Russell

## AN ACT

To authorize and empower the Board of Revenue and Control of Morgan County, Alabama, or other like governing body of said county, to pay from the general fund of said county, the premium on the bond of the Chief Clerk of the Probate Court when the same is made by a Surety Company, and to provide for the repeal of all laws in conflict with this Act and the effective date of this Act.

*Be it Enacted by the Legislature of Alabama:*

1. The Board of Revenue and Control of Morgan County, Alabama, or other like governing body of said county are authorized and empowered to pay from the general funds of said county the premium on the bond of the Chief Clerk of the Probate Court when the same is made by a Surety Company.

2. All laws and parts of laws, both general and local, in so far as the same may be in conflict with the provision of this Act are hereby repealed in so far as the same apply to Morgan County.

3. This Act shall be effective on and after October 1, 1947.  
Approved July 7, 1947.

No. 59)

(H. 133—Howell & Bennett

AN ACT

To fix the salary of the Deputy Solicitor for Calhoun County, Alabama, at Three Thousand Dollars per year, and to provide for the payment thereof.

*Be it Enacted by the Legislature of Alabama:*

Section I. That the salary of the Deputy Solicitor of Calhoun County, Alabama, be, and the same hereby is, fixed at the sum of Three Thousand Dollars per year, payable out of the County Treasury of said County, in monthly installments of Two Hundred Fifty Dollars each, as provided by law for payment of salaries out of the General Fund of said County.

Section II. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section III. That this Act shall go into effect immediately upon its passage and approval by the Governor.

Approved July 7, 1947.

No. 60)

(H. 171—Buckner

AN ACT

To provide for the appointment of a deputy clerk of the Circuit Court of Cullman County, Alabama; to prescribe the duties, powers and authority and fix the compensation and salary of such deputy clerk and to designate the method of payment and the fund from which said compensation and salary is payable. To repeal all laws in conflict with the provisions of this Act; to provide that the partial invalidity of this Act shall not affect the remainder hereof; and to fix the time when this Act shall become effective.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Clerk of the Circuit Court of Cullman County, Alabama, shall appoint a deputy clerk for said Court, said deputy clerk to serve at the will and pleasure of the Circuit Clerk; said deputy clerk shall be paid a salary of one hundred twenty-five and no/100 (\$125.00)

dollars per month by the County of Cullman out of the general fund of said County, said payment to be made by warrant drawn at the request of the Circuit Clerk of said Cullman County, Alabama.

Section 2. That said deputy clerk shall possess all the duties, powers, and authority, both ministerial and judicial as may be assigned by circuit clerk of said Cullman County.

Section 3. That all laws, general, local or special in conflict with the provisions of this Act be, and the same are hereby expressly repealed.

Section 4. That should any clause, sentence, paragraph or part of any section of this Act be invalid, such invalidity shall not affect, impair, or invalidate the remainder of this Act.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 7, 1947.

No. 62)

(H. 203—Barnett and Rogers

#### AN ACT

To Amend Sections 1, 6, 8, 14 and 28 of an Act entitled An Act "To Establish a Law and Equity Court for Lauderdale County, to define its jurisdiction and powers; to provide for its officers, their duties and powers and compensation; to provide for trial tax and other fees; to provide that said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure for said court; to provide for an official court reporter for said court and fix his compensation, and to provide for the transfer of causes now or hereafter pending in the County and Circuit Court of Lauderdale County, Alabama, to the Law and Equity Court; to abolish the County Court of Lauderdale County, and the office of Deputy Solicitor for Lauderdale County", approved May 29, 1931.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Section 1 of an Act of the Legislature approved May 29, 1931, entitled "An Act To Establish A Law and Equity Court for Lauderdale County, to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensation; to provide for trial tax and other fees, to provide that said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure for said Court; to provide for an official Court Reporter for said court and fix his compensation, and to provide for the transfer of causes now or hereafter pending in the County and Circuit Court of Lauderdale County, Alabama, to the Law and Equity Court; to abolish the County Court of Lauderdale County, and the office of Deputy Solicitor for Lauderdale County", be amended so as to read as follows: Section 1. That there be and there is hereby established in and for the County of Lauderdale, a Law and Equity Court which shall be called the Law and Equity Court of Lauderdale County, and shall be a Court of Record, and which shall have and

exercise concurrent jurisdiction, authority, functions and powers now conferred or which may hereafter be conferred upon the several Circuit Courts of the State in Equity; and, where the amount involved exclusive of interests and costs does not exceed Five Thousand Dollars, in Civil Court Cases, provided, however, that the Law and Equity Court shall not have jurisdiction to try persons charged with felonies.

Section 2. That Section 6 of the said Act, approved May 29, 1931 shall be and is amended so as to read as follows: Section 6. That the Judge of said Court shall receive a salary of Five Thousand Dollars per year, payable Four Hundred, Sixteen and 66/100 Dollars per month, out of the general fund of the County Treasury at the end of each month, or one half semi-monthly, at the election of the Judge of said Court, payable on warrants drawn by said Judge, and that there shall be taxed as a trial tax or fee the sum of \$3.00 in all cases entered on the docket in said Court, said trial tax or fee in all cases shall be paid by the Clerk of said Court into the County Treasury for the benefit of the general fund.

Section 3. That Section 8 of said Act, approved May 29, 1931, shall be and is amended so as to read as follows: Section 8. That there shall be a solicitor of and for said Law and Equity Court of Lauderdale County, who shall be appointed by the Governor immediately after the approval of this Act, and who shall hold office until the second Tuesday after the first Monday in January, 1935, and until his successor is elected and qualified, and shall prosecute for the State all causes in said Court and for so doing he shall receive a salary of Twenty Five Hundred Dollars per year, payable Two Hundred, Eighty and 33/100 Dollars per month out of the County Treasury on warrants to be drawn by the Judge of said Court, at the end of the month, or semi-monthly at the election of said Solicitor. That in the absence of the said Solicitor, the Judge of said Court may appoint a special deputy solicitor to represent the State in cases that the Solicitor of said Court is required to represent the State and shall receive for his compensation not less than \$10.00 nor more than \$25.00 at the discretion of the Judge, for each day or fraction thereof, for the time actually appointed. Said Solicitor shall begin upon the approval of this Act and at the general election in 1934 and every four years thereafter there shall be elected a solicitor for said Law and Equity Court of Lauderdale County, by the qualified electors of said County. That said solicitor shall be a qualified elector of Lauderdale County and shall be learned in the law and said solicitor shall not defend any person charged with crime in any of the criminal courts of Lauderdale County, or in any of the Courts of the State of Alabama; that in Capital Cases, Arson and burglary, Bastardy Proceedings and cases of Driving While Intoxicated, where preliminary hearings are had before Justices of the Peace in Lauderdale County, where application is made to the Judge of the Law and Equity Court or to the Circuit Judge, requesting the services of the Solicitor of the Law and Equity Court in the prosecution of said preliminary hearings, the application to be signed by the sheriff of the County, the Judge to

whom application is made may direct said solicitor to assist in such prosecution of said preliminary hearings.

Section 4. That Section 14 of said Act, approved May 29, 1931 shall be and is amended so as to read as follows: Section 14. The Sheriff of Lauderdale County shall in person, or by deputies appointed by him with the approval of the Judge of the Court, be required to attend upon the said Court and preserve order and execute all process and perform such other duties in all respects as in the Circuit Court, the number of bailiffs so furnished to be not more than two per day exclusive of the Sheriff and for such services of attending the Court the Sheriff shall receive for each deputy so furnished \$3.00 per day to be paid out of the County Treasury upon warrants drawn by the Judge of said Court. The Sheriff shall receive the same fees for executing the processes of this Court as provided by law for the execution of the same processes in the Circuit Court or in the Justice of the Peace Court, and same shall be collected in the same way as is not or may hereafter be provided by law.

Section 5. That Section 28 of said Act, approved May 29, 1931 shall be and is amended so as to read as follows: Section 28. The Judge of said Court shall secure the services of a competent shorthand writer to attend the terms of the Court and report in shorthand all the cases tried herein and during the time he or she is actually engaged in reporting and transcribing for the court or the attorneys he or she is an officer of this Court, and he or she shall receive a salary to be fixed by the Judge of said Court and not to exceed One Hundred, Twenty Five Dollars per month and said salary shall be paid in monthly installments at the end of each month or semi-monthly at the election of said reporter and shall be paid from the funds of the County by the County Treasurer or other custodian of said funds on warrants drawn thereon by the Judge of this Court; provided, however, that the Judge of this Court shall have the right to remove said reporter from office at his pleasure. In addition to the compensation herein provided for, said reporter shall be entitled to tax and collect from the litigant or his attorneys for whom he is making a transcript of the evidence the sum of ten cents per hundred words for said transcript, and five cents per hundred words for each copy thereof, and when such transcript is made the reporter shall append thereto his or her certificate to the correctness of the same as such official reporter. The Stenographer's notes shall be preserved and filed as now provided by law in the Circuit Courts.

Section 6. That if, for any reason, any section, provision or clause of this amended Act be held unconstitutional or invalid, then that fact shall not destroy the constitutionality or validity of the Act except as to such clause or section.

Section 7. That all laws, both local and general, in conflict with this Amended Act be and the same are hereby repealed.

Section 8. That this Amendment to said Act approved May 29,

1931, shall take effect immediately upon passage by the legislature and approval thereof.

Approved July 7, 1947.

No. 63)

(H. 252—White (Covington))

### AN ACT

To alter, rearrange, and extend the boundary lines of the City of Andalusia in Covington County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The boundaries of the City of Andalusia are altered, rearranged, and extended to include within the corporate limits of the city the lands described as follows: the southeast quarter of Section 12, the east half of Section 13, the east half of Section 24, and the northeast quarter of Section 25, all in Township 4 North, Range 15 East; the south half of Section 7, the south half of Section 8, the southwest quarter of Section 9, the west half of Section 16, the west half of Section 21, the northwest quarter of Section 28, the north half of Section 29, and the north half of Section 30, all in Township 4, North, Range 16 East.

Approved July 7, 1947.

No. 64)

(H. 259—Harris and Stewart)

### AN ACT

To provide for the appointment of a Deputy Clerk of the Circuit Court of Morgan County, and of the Morgan County Court of Morgan County, and to prescribe the duties and fix the compensation and salary of such deputy.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Clerk of the Circuit Court of Morgan County and of the Morgan County Court of Morgan County, shall appoint a Deputy Clerk for said Courts. Said Deputy Clerk shall be paid a salary of One Hundred Twenty-five Dollars per month by the County of Morgan out of the General Fund of said County. Said Deputy Clerk shall possess all the powers and authority, both ministerial and judicial now or hereafter possessed by such Clerk by whom said Deputy Clerk is appointed.

Section 2. That all laws and parts of laws, general, local or special in conflict with the provisions of this Act be, and the same are hereby expressly repealed.

Section 3. That this Act shall go into effect on the first day of the month following its approval by the Governor, or upon its otherwise becoming a law.

Approved July 7, 1947.



No. 65)

(H. 260—Harris &amp; Stewart

## AN ACT

For the relief of John H. Green.

*Be it Enacted by the Legislature of Alabama:*

The governing body of Morgan County, Alabama shall pay to John H. Green the sum of Two Hundred Fifty Dollars out of the general fund of said county for services rendered by the said John H. Green at the primary elections held in Morgan County, Alabama in May and June, 1946, with reference to the handling of absentee ballots in said elections, and as compensation for his services in performing the duties of the Probate Judge with reference to receiving requests for absentee ballots, making a record of the same, and issuing absentee ballots in said elections, by reason of the fact that the Probate Judge and the Sheriff of Morgan County, Alabama were disqualified to perform said duties.

Approved July 7, 1947.

No. 66)

(H. 261—Harris &amp; Stewart

## AN ACT

To amend an act approved September 24, 1919 entitled "An Act to establish a County Court for Morgan County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that the said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; and to provide for the transfer of certain causes now or hereafter pending in the Circuit Court of Morgan County to the Morgan County Court." as last amended.

*Be it Enacted by the Legislature of Alabama:*

That the act approved September 24, 1919 entitled "An Act to establish a County Court for Morgan County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that the said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; and to provide for the transfer of certain causes now or hereafter pending in the Circuit Court of Morgan County to the Morgan County Court." be and the same is hereby amended so as to read as follows:

Section 1: That there be and is hereby established in and for the County of Morgan, a court which will be called the Morgan County Court and which shall be a court of record which shall have and exercise the jurisdiction or authority, functions and powers hereinafter conferred upon it by this act.

Section 2: Said court shall have original jurisdiction coextensive with Morgan County of all civil causes both at law and in equity, and the said court and the judge thereof shall have the power and authority

to administer oaths, to issue search warrants and writs of habeas corpus, prohibition, certiorari, quo warranto, mandamus, and other special and extraordinary writs, and to remove the disabilities of non age of minors and to issue injunctions to abate liquor nuisances; and shall have jurisdiction in proceedings to condemn property used in violation of laws relating to intoxicating beverages; and the judge of said court shall have the same power as circuit judges with reference to ordering the institution of quo warranto proceedings; and the said court in civil matters shall have jurisdiction concurrent with the circuit court. The said court shall have exclusive jurisdiction of all causes against persons charged with the commission of misdemeanors, except that this act shall not restrict the criminal jurisdiction of justices of the peace, and shall have exclusive jurisdiction of all criminal cases appealed from the court of any mayor, recorder, justice of the peace, or notary public ex officio justice of the peace, and of bastardy proceedings provided for by Title 6 of the Code of Alabama of 1940, and on all indictments returned against parties charged with misdemeanor the clerk of said court shall issue capiases returnable to said Morgan County Court. The said Morgan County Court shall also have exclusive jurisdiction of all civil causes appealed from any justice of the peace court or the court of any notary public ex officio justice of the peace. Appeals from the Probate Court of Morgan County, Alabama may be taken to the Morgan County Court or to the Circuit Court of Morgan County, as the party taking said appeal may elect.

Section 3: All laws and rules of practice with reference to process, pleading and practice, and the drawing of juries in the several proceedings in the circuit court shall be applicable to the Morgan County Court, and all statutes and rules of practice pertaining to county courts and to the circuit court shall be applicable to criminal causes pending in said court.

Section 4: Prosecutions for misdemeanors committed in Morgan County may be instituted in the Morgan County Court by making an affidavit before the judge of said court, the writ on said affidavit to be issued by the clerk of said court, and when the defendant is arrested on said affidavit, said case shall be docketed for trial and be tried as though the defendant had been indicted by a grand jury. Justices of the peace, notaries public with power of justices of the peace, of Morgan County, and judges of inferior courts with the jurisdiction of justices of the peace in said county shall have authority to issue warrants returnable to said court, and it shall be their duty to forthwith transmit the said affidavit and warrants and bonds to said court, which causes shall be placed upon the docket of said court, and tried as though the defendant had been indicted by the grand jury in said court.

Section 5: The supreme court and court of appeals of this state shall have appellate and supervisory jurisdiction over said court, and the judge thereof, which may be exercised in the same manner as such jurisdiction may be exercised over the circuit court of the state, and the judges thereof, and appeals may be taken from the orders and

judgments of said court to the supreme court and court of appeals in the same manner, and within the same time, as appeals are now taken from the orders and judgments of the circuit courts of the state.

Section 6: The venue in any case in the said Morgan County Court shall be changed to any other counties under the same orders and regulations as governed change of venue in the circuit court.

Section 7: That the Honorable W. H. Long, judge of said court, who was elected to the office of judge of said court at the general election held in 1946, shall hold office as the judge of said court until the second Tuesday after the first Monday in January, 1953 and until his successor shall be elected and qualified. A judge of said court shall be elected by the qualified electors of Morgan County at the general election to be held in 1952 and each six years thereafter, and the term of the judge of said court shall commence on the second Tuesday after the first Monday in January following his election, and shall continue for a period of six years and until his successor shall be elected and qualified.

Section 8: Vacancies in the office of the judge of said court shall be filled by appointment by the Governor, and the person so appointed shall hold office as required by the Constitution of this state. Said judge may be removed from office in the same manner now provided by law for the removal of circuit judges. The Chief Justice of the Supreme Court of Alabama may when he deems proper, by order spread on the minutes of the Morgan County Court, designate any circuit judge to hold said court or to try any cause pending in said court.

Section 9: That the Clerk of the Circuit Court of Morgan County shall be ex officio clerk of said court and shall have the powers, and discharge the duties which will devolve upon the clerk of the circuit court, except in equity cases, and shall be subject to the same pains and penalties with regard to the duties of the office, and shall be entitled to the same fees as are now, or may hereafter, be allowed to circuit clerks of Alabama, and the same shall be collected as such fees are collected in the circuit court, and the Deputy Clerk of the Circuit Court of Morgan County shall be ex officio Deputy Clerk of the Morgan County Court, and exercise the same powers and duties as are exercised in the circuit court by such deputy clerks. The Register of the Circuit Court of Morgan County shall be ex officio Register of the Morgan County Court and as such ex officio register shall have the same powers and discharge the same duties which devolve upon the register of the circuit court, and shall be subject to the same pains and penalties with regard to the duties of the office, and shall be entitled to the same fees as are now or may hereafter be allowed registers of the circuit court, and the same shall be collected as such fees are collected in the circuit court.

Section 10: That the judge of said court shall receive a salary of Three Thousand Nine Hundred Dollars per annum, payable in equal monthly installments at the end of each month, out of the county treasury.

Section 11: That there shall be a Solicitor of the Morgan County Court who shall receive a salary of One Thousand Eight Hundred Dollars per annum, payable in equal monthly installments out of the county treasury at the end of each month, and all solicitor's fees taxed and collected in said court shall be paid into the county treasury of Morgan County for the benefit of the general fund of said county. The Honorable Philip Shanks, Solicitor of the Morgan County Court, who was elected to said office at the general election held in 1946, shall hold said office until the second Tuesday after the first Monday in January, 1951 and until his successor shall be elected and qualified. A solicitor of said court shall be elected at the general election to be held in 1950 and each four years thereafter, and the term of the solicitor shall be for four years, commencing on the second Tuesday after the first Monday in January following his election, and until his successor is elected and qualified. It shall be the duty of the solicitor of said court to prosecute all criminal causes pending in said court and to attend upon the sessions of the Grand Juries of Morgan County, Alabama, and to assist the circuit solicitor in the drawing of indictments and in the prosecution of criminal causes pending in the Circuit Court of Morgan County when requested to do so by the circuit solicitor. There shall be no deputy solicitor in Morgan County. Vacancies in the office of solicitor of said court shall be filled by the governor, and such appointee shall hold said office for the unexpired term.

Section 12: That the said court shall be held at the courthouse of Morgan County and that said court shall be open at all times for the trial of cases and the transaction of business. In case of sickness or disqualification of the judge of said court, the law applicable to the appointment and service of special judges in the circuit court shall apply. The judge of the said court shall be subject to the same penalty for failure to attend upon the court as circuit court judges of this state. The judge of said court shall keep an office in the courthouse of Morgan County, and it shall be the duty of the Board of Revenue and Control of Morgan County, Alabama to provide such an office, and supply the same with the necessary furnishings, fixtures, stationery, and supplies.

Section 13: The judge of said court may determine and fix the time of holding the sessions of said court for the trial of all cases triable in said court; provided that the judge of said court shall at the beginning of each year designate the time at which the sessions of said court shall be held, for a period of at least one year, by making and entering an order upon the minutes of said court; provided that the judge of said court may call and hold special, extra, or adjourned sessions of said court when in his judgment it is necessary to do so.

Section 14: The Sheriff of Morgan County shall, in person or by a deputy, or deputies appointed by him, said appointment to be approved by the Judge of the Morgan County Court, be required to attend upon said court, and preserve order, and execute all writs or process, and perform such other duties, in all respects as in the circuit courts of

this state, and for himself and each deputy required for attendance upon the sessions of the said court, he shall receive the sum of Three Dollars per day, payable out of the county treasury upon his warrant, approved by the presiding judge, provided that the sheriff and his deputies shall not receive pay except for the times that the court is actually in session, and none of which compensation to the deputies shall be shared in by the sheriff.

Section 15: The Clerk and Register shall each have an official seal for said court.

Section 16: The judge of said court shall appoint a competent shorthand reporter to perform the duties of official court reporter of said court, who shall hold office at the pleasure of said judge and who shall receive a salary of Six Hundred Dollars per annum, payable in equal monthly installments out of the county treasury, on the certificate of the judge of said court. In all criminal causes and causes pending on the law side of said court there shall be taxed as part of the cost of the cause a reporter's fee of Three Dollars in each case, to be collected as other cost and paid by the clerk of said court into the county treasury for the benefit of the general fund. The said court reporter shall have authority to administer oaths and shall be an officer of the court and shall not be related to the judge of said court within the fifth degree.

Section 17: All laws pertaining to costs and fees in cases in the circuit court, and criminal cases in the county court, as provided by the general laws of this state, shall be applicable to said court, except as herein otherwise provided. A trial tax of Two Dollars is imposed in each case, criminal and civil, both at law and in equity, which is docketed in said court to be taxed and collected as other costs in said court, and when collected to be paid into the county treasury for the benefit of the general fund.

Section 18: The judge of said court and the solicitor of said court shall each be a qualified elector of Morgan County, shall be learned in the law, and shall be of the age of twenty-five years or over.

Section 19: All laws heretofore passed and enacted with reference to said court shall be and are hereby repealed.

Section 20: This act shall become effective on the first day of the month following its approval by the Governor.

Approved July 7, 1947.

No. 67)

(H. 262—Harris and Stewart

### AN ACT

To provide that justices of the peace and notaries public ex officio justices of the peace in Beat One in Morgan County, Alabama shall have territorial jurisdiction coextensive with the limits of Morgan County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1: Each justice of the peace and notary public ex officio

justice of the peace in Beat One in Morgan County, Alabama shall have jurisdiction of all civil and criminal matters, including suits to recover possession of real estate coextensive with the territorial limits of Morgan County, Alabama.

Section 2: This act shall be effective immediately upon its passage and approval.

Approved July 7, 1947.

No. 68)

(H. 263—Harris & Stewart

### AN ACT

To provide for the appointment of a Deputy Register of the Circuit Court of Morgan County, and of the Morgan County Court of Morgan County, and to prescribe the duties and fix the compensation and salary of such deputy.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Register of the Circuit Court of Morgan County and of the Morgan County Court of Morgan County, shall appoint a Deputy Register for said Courts. Said Deputy Register shall be paid a salary of One Hundred Twenty-five Dollars per month by the County of Morgan out of the General Fund of said County. Said Deputy Register shall possess all the powers and authority, both ministerial and judicial now or hereafter possessed by such Register by whom said Deputy Register is appointed.

Section 2. That all laws and parts of laws, general, local or special in conflict with the provisions of this Act be, and the same are hereby expressly repealed.

Section 3. That this Act shall go into effect on the first day of the month following its approval by the Governor, or upon its otherwise becoming a law.

Approved July 7, 1947.

No. 70)

(H. 290—Shelton

### AN ACT

To provide for the compensation of election officers in Tuscaloosa County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. Each returning officer, inspector, and clerk is entitled to between two and five dollars per day, the amount to be fixed by the county governing body by ordinance or resolution, for holding an election in Tuscaloosa County, Alabama. Each returning officer in Tuscaloosa County is entitled also to five cents per mile in going from the voting place to, and returning to the voting place from, the county courthouse.

Section 2. Upon proper proof of service rendered, claims of returning officers, inspectors, and clerks of elections held in Tuscaloosa

County shall be paid out of the county treasury. They shall be preferred claims, payable from any money in the county treasury not otherwise appropriated.

Approved July 1, 1947.

No. 71)

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AN ACT

(H. 291—Shelton)

To provide for the compensation of jurors in Tuscaloosa County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The per diem of jurors, grand and petit, in Tuscaloosa County, Alabama, shall be fixed by the governing body of the county, by ordinance or resolution, at not less than three dollars nor more than five dollars. In addition, jurors in Tuscaloosa County are entitled to be paid five cents for each mile traveled, plus ferriage and toll, in going to and returning from court when proved by oath of the juror before the clerk of the court.

Section 2. It shall be the duty of the clerk of the court to give each juror a certificate stating the number of days the juror has served, the number of miles he has traveled, the amount of ferriage and toll that he has paid, and the amount of compensation to which he is entitled. Certificates shall be received in payment of county taxes and other county dues; they are payable out of the county treasury.

Approved July 1, 1947.

No. 72)

(H. 300—White (Covington))

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AN ACT

To amend Section 1 of Act 124, Local Acts of 1935, Page 57, "To provide the Sheriff of Covington County, Alabama, an additional Deputy Sheriff to that now provided by law; to fix the salary of said Deputy and to make the same payable in equal monthly installments from the General Funds of Covington County; to repeal 1931 Local Act and all other laws in conflict herewith."

*Be it Enacted by the Legislature of Alabama:*

Section 1: That Section 1 of Act 124, Local Acts of 1935, Page 57, "To provide the Sheriff of Covington County, Alabama, an additional Deputy Sheriff to that now provided by law; to fix the salary of said Deputy and to make the same payable in equal monthly installments from the General Funds of Covington County; to repeal 1931 Local Act and all other laws in conflict herewith," be and the same is hereby amended to read as follows;—Section One.—"That the Sheriff of Covington County, Alabama, is hereby provided an additional Deputy Sheriff to the Deputy now provided by law, who shall be appointed by the Sheriff of said County, and who shall hold said office at the discretion of said Sheriff, and shall receive a salary of Fifteen

Hundred, (\$1500.00) Dollars per annum, to be paid in twelve equal installments out of the general funds of said Covington County, Alabama."

Section 2: This Act shall take effect on the first day of the month following its lawful enactment.

Approved July 7, 1947.

No. 73)

(H. 305—Merrill)

### AN ACT

To amend Section 2 of An Act entitled An Act to provide for the election of a County Superintendent of Education for Cleburne County, Alabama, by the qualified voters of Cleburne County, Alabama, at the General Election in 1928 and every four years thereafter, to prescribe his qualifications, fix his term of office, prescribe his duties, and to fix his salary and provide the manner of payment of same. Approved September 6th, 1927.

*Be it Enacted by the Legislature of Alabama:*

Section One: That Section 2 of An Act entitled An Act to provide for the election of a County Superintendent of Education for Cleburne County, Alabama, by the qualified voters of Cleburne County, Alabama, at the General Election in 1928 and every four years thereafter, to prescribe his qualifications, fix his term of office, prescribe his duties, and to fix his salary and provide the manner of payment of same, Approved Sept. 6th, 1927, be, and the same is hereby amended to read as follows: That the salary of said County Superintendent of Education shall be fixed by the County Board of Education of Cleburne County, Alabama, which salary shall not be less than \$2,400.00 nor more than \$3,600.00 per annum, and which salary shall be paid in the same manner and way as now provided under the general laws of the State of Alabama, for the payment of County Superintendent of Education in the several counties of the State. In addition to said salary said Board of Education may pay the reasonable and necessary expenses incident to the proper management of said Superintendents office.

Section Two: This Act shall go into effect upon its approval by the Governor.

Approved July 7, 1947.

No. 74)

(H. 307—Leonard & Ganey)

### AN ACT

To fix the Ex Officio fees of the Clerk of the Circuit Court of Talladega County, Alabama at the sum of \$1800.00 per year; to provide for the manner of payment of same; and to repeal all laws or parts of laws in conflict therewith.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Ex Officio fees of the Clerk of the Circuit Court of Talladega County, Alabama shall be fixed at \$1800.00 per



year payable in monthly installments of \$150.00 per month out of the general funds of Talladega County, Alabama.

Section 2. That all laws and parts of laws in conflict or inconsistent with this Act be and are hereby repealed, otherwise to remain in full force and effect.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor.

Approved July 7, 1947.

No. 75)

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AN ACT

(H. 322—Robinson)

To repeal Act 627, approved July 10, 1940, entitled, "To prohibit the use of steel traps and similar devices in Lowndes County, Alabama, and prescribe punishment for violation of this act."

*Be it Enacted by the Legislature of Alabama:*

Act 627, approved July 10, 1940, entitled, "To prohibit the use of steel traps and similar devices in Lowndes County, Alabama, and prescribe punishment for violation of this act", is repealed.

Approved July 7, 1947.

No. 76)

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AN ACT

(H. 17—Bennett & Howell)

To authorize the Board of Revenue of Calhoun County, Alabama to purchase radios, machine guns, ammunition, and any other equipment that the said Board of Revenue may deem necessary for proper law enforcement for the use of the Sheriff of Calhoun County.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Board of Revenue of Calhoun County or other governing body that may be hereinafter created for said County is hereby authorized and empowered to purchase radios and pay for their installation, machine guns, ammunition and any other equipment that the said Board of Revenue may deem necessary for proper law enforcement in Calhoun County for use by the Sheriff of Calhoun County and his deputies.

Section 2. That in the event the Sheriff of Calhoun County shall have prior to the effective date of this act purchased any such equipment the Board of Revenue is authorized and empowered to purchase said equipment from the Sheriff at its reasonable market value.

Section 3. This act shall become effective upon its passage and approval by the governor or its otherwise becoming a law.

Approved July 1, 1947.

No. 77)

(H. 325—Taylor of Autauga

## AN ACT

To create the office of County Solicitor of Autauga County, Alabama; to provide for his election, and the method of appointment in the event of a vacancy; to fix his salary and define his powers and duties; to define his qualifications; and to repeal all general and local laws in conflict herewith so far as they relate to Autauga County.

*Be it Enacted by the Legislature of Alabama:*

Section 1. There is hereby created the office of County Solicitor of Autauga County.

Section 2. That the term of office of the County Solicitor who shall be elected by the qualified electors of Autauga County, Alabama, at the general election for State and County officers in the year 1948, shall be six (6) years from the first Monday after the second Tuesday in January, 1949, and every six (6) years thereafter and until his successor is elected or appointed and qualified. In the event of the vacancy caused by the resignation, removal or death of said County Solicitor or for other causes, the Governor shall fill the same by appointment for the unexpired term.

Section 3. It shall be the duty of the County Solicitor of Autauga County to represent the State of Alabama in all cases in the inferior courts of the county, in all preliminary proceedings, applications for bail and habeas corpus and other criminal proceedings in said county requiring the services of a prosecuting attorney; to aid and act for the solicitor of the Circuit Court, and in the absence of the Circuit Solicitor to perform all of his duties; also to attend coroner's inquest and examine witnesses and select such witnesses as in his judgment should be and appear before the Grand Jury or before the courts on preliminary hearing or habeas corpus, and when called upon to do so by the Board of Revenue, or any governing body of said county, to represent the County of Autauga in all litigation in which it is engaged. The County Solicitor shall be clothed with all other powers and shall be charged with all duties now given or imposed upon the deputy solicitor of said Autauga County, Alabama, by any laws now in force or hereafter to be prescribed by law for deputy solicitors, it being the intention of this Act that said County Solicitor shall take the place of the deputy solicitor of said county and prosecute all cases in which the deputy solicitor is required to prosecute. All laws in force pertaining to the deputy solicitor of Autauga County prior to the abolishment of said office shall remain in force and apply to the County Solicitor hereby created except those in conflict with the provisions of this Act.

Section 4. It shall be the duty of the County Solicitor to furnish legal advise or opinion, oral or written, to the Board of Revenue or to any other county official, provided such legal advise or opinion is required by said court or county official in the discharge of his official duties.

Section 5. That the County Solicitor of Autauga County, Alabama, shall receive a salary of not less than Eighteen Hundred Dollars per

annum and not more than Twenty four Hundred Dollars per annum to be paid out of the general fund of said county in twelve equal installments, said salary to be fixed by the Board of Revenue of Autauga County, Alabama.

Section 6. The County Solicitor as herein provided shall have been a resident of Autauga County for at least one year next preceding his election or appointment, a qualified elector, and at least twenty five years of age, and learned in the law, and shall reside in Autauga County during his entire term of office.

Section 7. The sections of this Act and the parts of each section are hereby declared to be independent sections and parts of sections, and the holding of any section or part thereof to be void, ineffective or unconstitutional, shall not affect the other sections or parts thereof, it being now declared that the other parts of other sections would have been enacted regardless of any section or part of section which might be held unconstitutional, inoperative or ineffective.

Section 8. All laws or parts of laws, both local and general, in conflict with the provisions of this Act are hereby repealed in so far as they relate to Autauga County.

Section 9. This Act shall become law immediately upon its passage and approval by the Governor, or its otherwise becoming law and the present Deputy Solicitor of the 19th Judicial Circuit or his successors in office shall hold office as County Solicitor as created and established herein until the first Monday after the Second Tuesday in January, 1949, and until his successor is elected and qualified as now required by law, or as provided in this Act, and shall perform the duties and receive the compensation as herein provided for the said County Solicitor.

Approved July 7, 1947.

No. 78)

(H. 326—Taylor of Autauga

## AN ACT

To Amend Section 5 of an Act Entitled "An Act To Establish a Board of Revenue for Autauga County and to define the Powers and Duties of said Board of Revenue" Approved February 27, 1879.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Section 5 of an Act entitled "An Act To Establish a Board of Revenue for Autauga County and to Define the Powers and Duties of said Board of Revenue." Approved February 27, 1879, be and the same is hereby amended to read as follows: Section 5. That the Judge of Probate and each of the said Commissioners shall receive Five Dollars per day for each day they are actively engaged in the performance of their duties as members of the Board hereby established.

Section 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Section 3. That this Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 7, 1947.

No. 79)

(H. 327—Taylor (Autauga)

AN ACT

To authorize and empower the Judge of Probate of Autauga County, Alabama, to appoint a Chief Clerk, and to fix the salary and to provide the method of payment of salary of said Chief Clerk.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The Judge of Probate of Autauga County is hereby authorized and empowered to appoint a Chief Clerk, to hold office at the pleasure of the Judge of Probate of Autauga County, Alabama.

Section 2. That said Chief Clerk, so appointed, shall be paid a salary not less than One Hundred Dollars per month, and not more than One Hundred Fifty Dollars per month, payable monthly. Said salary to be fixed by the Board of Revenue of Autauga County, Alabama.

Section 3. That the Board of Revenue of Autauga County, Alabama, is hereby authorized and required to draw warrants in favor of said Chief Clerk, payable out of the General Funds of said County, upon proper claim being made.

Section 4. That said Chief Clerk be required to make bond payable and conditioned as required by law, in the sum of Twenty Five Hundred Dollars.

Section 5. Should any section, clause or provision of this Act be declared unconstitutional, the same shall not affect the remaining sections, clauses or provisions of this Act.

Section 6. That this act shall take effect immediately upon its passage and approval by the Governor or otherwise becoming law.

Approved July 7, 1947.

No. 80)

(H. 328—Taylor (Autauga)

AN ACT

To abolish the office of deputy solicitor of Autauga County, Alabama, to fix the time when such office shall be abolished, and to provide that such bill shall not affect any general, special, or local laws except as herein provided for.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the office of deputy solicitor of Autauga County, Alabama, be and the same is hereby abolished, effective on the first Monday after the second Tuesday in January, 1949.

Section 2. That all laws, general, special, or local, in conflict with the provisions of this Act, and only such laws, are hereby repealed.

Section 3. This Act shall go into effect upon its approval by the Governor, or otherwise becoming law.

Approved July 7, 1947.

No. 81)

(H. 329—Taylor of Autauga

## AN ACT

To authorize and empower the Board of Revenue of Autauga County, Alabama, to expend County Funds not exceeding \$3000.00 per annum for purposes not otherwise provided by law.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Board of Revenue of Autauga County, Alabama, be and it is authorized and empowered to appropriate out of any monies in the County Treasury, not otherwise appropriated, and to expend not exceeding the sum of \$3000.00 per annum for any purpose, not otherwise provided for by law, that in their judgment are worthy and for the best interest of the County, the fund hereby authorized to be known as the "Contingent Fund." Provided, however, the expenditures herein provided shall first be authorized by the governing body of the County in a Resolution spread upon its minutes.

Section 2. That, under the provisions of Section One not more than \$3000.00 shall be appropriated and expended in any one year and should any sum or sums remain unexpended in said fund at the end of the year only so much shall be appropriated for the next succeeding year as will together with the sum so remaining unexpended bring the Contingent Fund up to the sum of \$3000.00.

Section 3. That this Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 7, 1947.

No. 82)

(H. 340—Mathison and Knight

## AN ACT

To re-enact Act 123, approved June 12, 1935, entitled, "An Act To provide for the division of Henry County, Alabama, into four Commissioners Districts; to define the boundary lines thereof; by showing the beats composing such Commissioners Districts; to provide for the election of one Commissioner from each of said Districts; to fix their terms of office; to prescribe their qualifications, powers and duties; to require that said Commissioners be voted for by the voters of the entire County and not by the voters of each Commissioners District; to fix their salaries, terms of office and the filling of vacancies; to fix the date of their election and their successors; to require said Commissioners to give bond and to further regulate and prescribe the powers, authority and duties of said Commissioners Court and to fix penalties for the violation of this Act."

*Be it Enacted by the Legislature of Alabama:*

Act 123, approved June 12, 1935, entitled, "An Act To provide for the division of Henry County, Alabama, into four Commissioners Districts; to define the boundary lines thereof; by showing the beats composing such Commissioners Districts; to provide for the election of one Commissioner from each of said Districts; to fix their terms of office;

to prescribe their qualifications, powers and duties; to require that said Commissioners be voted for by the voters of the entire County and not by the voters of each Commissioners District; to fix their salaries, terms of office and the filling of vacancies; to fix the date of their election and their successors; to require said Commissioners to give bond and to further regulate and prescribe the powers, authority and duties of said Commissioners Court and to fix penalties for the violation of this Act", is re-enacted, and as re-enacted shall read:

"Section 1. Henry County, Alabama, is hereby divided into four Commissioners Districts to be known and called Commissioners Districts 1, 2, 3 and 4 of said County.

"Section 2. District No. 1 of said County shall be composed of and embrace Beats 1, 2 and 3 as such beats are now established; District No. 2 of said County shall be composed of and embrace Beats 4, 5, 6 and 7 as such Beats are now established; District No. 3 of said County shall be composed of and embrace Beats 8, 9, 10 and 11 as such Beats are now established; District No. 4 of said County shall be composed of and embrace Beats 12, 13 and 14 as such Beats are now established.

"Section 3. The qualified electors of Henry County, Alabama, shall, as the terms of the members of the present Court of County Commissioners of said County expire, elect one member of said Court from each of the Districts as herein created and designated; such Commissioner so elected shall actually reside within the limits of the District as herein defined, but in such election such Commissioner shall be voted for by the qualified electors of the entire County.

"Section 4. This Act shall not affect the right of tenure of office of the members of the present Commissioner's Court of said County, but said Commissioners shall continue to hold and discharge their duties of said office as now is incumbent upon them and as may be made incumbent upon them by the provisions of this Act and as otherwise provided by law and until their successors are elected and qualified as is provided in this Act.

"Section 5. In the general election to be held throughout the County in 1948, as is now provided by law, there shall be one Commissioner elected from the 1st District as herein created and designated; and one Commissioner from the 3rd District as herein created and designated, whose terms of office shall continue for four years and until their successors are elected and qualified; and in the general election to be held throughout the County in 1950 there shall be one Commissioner elected from the 2nd District as herein created and designated, and one Commissioner from the 4th District as herein created and designated, whose terms of office shall continue for four years and until their successors shall be elected and qualified; and two Commissioners in the order as provided in this Section shall be elected in the Districts as herein provided every two years, nomination for which office may be made in primary elections as other County officers under the general primary laws of Alabama.

"Section 6. Each commissioner shall give bond in the sum of at least \$3,000 to be fixed and approved by the Judge of the Circuit Court.

"Section 7. The compensation of each commissioner shall be \$720 per annum, to be paid in equal monthly installments out of the general funds of the County, on warrants drawn by the Probate Judge.

"Section 8. In the event of a vacancy in the office of Commissioner in any of the Districts herein created and designated, such vacancy shall be filled as provided by existing law.

"Section 9. The members of said Commissioners Court, and each of them, shall exercise the authority and powers and perform the duties as now prescribed and fixed by existing law.

"Section 10. All laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

"Section 11. If any section, provision, clause or portion of this Act shall be declared by a Court of competent jurisdiction to be invalid or unconstitutional, same shall not be held to affect any other section, provision, clause, or portion of this Act, but same shall remain in full force and effect.

"Section 12. The provisions of this Act shall take effect on and after its passage and approval by the Governor."

Approved July 7, 1947.

No. 83)

(H. 341—Mathison & Knight  
AN ACT

To abolish the office of County Road Supervisor for Henry County, Alabama, as created by Act No. 205, approved November 4, 1932, and to provide that the functions and duties of such officer shall be performed by the county engineer.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The office of County Road Supervisor for Henry County, Alabama, created by Act No. 205, approved November 4, 1932, is hereby abolished, and the functions and duties of such officer shall be performed by a county engineer, who shall be appointed by the governing body of Henry County immediately after the effective date of this Act.

Section 2. This Act shall become effective upon the expiration of the term of the present County Road Supervisor.

Approved July 7, 1947.

No. 84)

(H. 344—Richardson  
AN ACT

To allow the Sheriff of Lawrence County, Alabama an additional deputy Sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Lawrence County in monthly installments.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Sheriff of Lawrence County, Alabama, is

hereby allowed an additional deputy to the deputy or deputies now provided by law, which said deputy shall receive a salary of not less than Twelve Hundred Dollars per annum, nor more than Eighteen Hundred Dollars per annum, to be fixed by the Court of County Revenues or Board of Revenue or other like governing body of said County, and payable in twelve equal monthly installments out of the General Funds of said County; that said deputy sheriff shall be appointed by the Sheriff of Lawrence County, Alabama, and shall be eligible to perform the duties of deputy Sheriff any where in said County.

Section 2. That on the first day of each month a statement of the name and amount due said deputy sheriff shall be furnished to the Court of County Revenues or Board of Revenue or other like governing body of said County, by the Sheriff and it shall thereupon be the duty of said Court to order a warrant drawn upon the General Funds of said County payable to said deputy sheriff for the amount of one months salary as hereinabove provided.

Section 3. That all laws and parts of laws in conflict with this Act are hereby expressly repealed, and this act shall be in full force and effect from the date of its approval by the Governor or otherwise becoming a law.

Approved July 7, 1947.

No. 85)

(H. 345—Richardson

### AN ACT

To allow the Members of the Board of Education of Lawrence County, Alabama, pay for not more than sixteen days in any one year, and to fix their salary and expenses, payable from the General School Funds of Lawrence County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the members of the County Board of Education of Lawrence County, Alabama, shall receive from the public school funds of said County Ten Dollars per day and their actual traveling expenses at the rate of five cents per mile to and from their place of residence incurred in attending meetings of the Board and transacting business of the Board. The members of the County Board of Education shall not be allowed pay for attendance and travel for more than sixteen days in any one year, which shall be paid in like manner as provided for the compensation of teachers.

Section 2. That all laws and parts of laws in conflict with this Act are hereby expressly repealed and this Act shall be in full force and effect from the date of its approval by the Governor or otherwise becoming a law.

Approved July 7, 1947.



No. 86)

(H. 346—Richardson)

## AN ACT

To allow the Sheriff of Lawrence County, Alabama, the sum of \$50.00 per month for the maintenance, upkeep, operation and repair of an automobile to be used in the performance of his official duties and to make the same payable out of the General Funds of Lawrence County in equal monthly installments.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Court of County Revenues or Board of Revenue or other like governing body of Lawrence County, Alabama, is hereby authorized, required and directed to pay to the Sheriff of Lawrence County, Alabama, the sum of Fifty Dollars per month to be used for the maintenance, upkeep, operation and repair of an automobile used in the performance of his official duties as sheriff, that said sum of money shall be paid on the first day of each month, upon the filing of a written statement or requisition by the Sheriff with said Court, and it shall thereupon be the duty of said Court to order a warrant drawn upon the General Funds of said County payable to said Sheriff for the amount of one months allowance as herein provided.

Section 2. That all laws or parts of laws in conflict with this Act are hereby repealed, and this Act shall be in full force and effect from the date of its approval by the Governor or otherwise become a law.

Approved July 7, 1947.

No. 88)

(H. 360—Sightler, Busby, Pinkston &amp; Ingalls)

## AN ACT

To provide for the appointment of a deputy register of the Circuit Court of Montgomery County, and to prescribe the duties and fix the compensation and salary of such deputy register.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Register of the Circuit Court of Montgomery County shall appoint a deputy register for said Court, said deputy register shall be paid a salary of One Hundred Seventy-five Dollars per month by the County of Montgomery out of the general fund of said County. Said deputy register shall possess all the powers and authority, both ministerial and judicial now or hereafter possessed by such register by whom said deputy register is appointed.

Section 2. That all laws and parts of laws, general, local or special in conflict with the provisions of this act be, and the same are hereby expressly repealed.

Section 3. That this act shall go into effect immediately upon its approval by the Governor, or upon its otherwise becoming a law.

Approved July 7, 1947.

No. 89)

(H. 361—Sightler, Busby, Pinkston &amp; Ingalls

## AN ACT

To amend Section 1 of Act 177, approved June 17, 1943, which fixes the compensation of the sheriff of Montgomery County and provides for help and assistants and other expense in the office of the sheriff, by increasing the allowance for help and assistants, and increasing the compensation for the sheriff.

*Be it Enacted by the Legislature of Alabama:*

Section 1 of Act 177, approved June 17, 1943, which fixes the compensation of the sheriff of Montgomery County and provides for help and assistants and other expense in the office of the sheriff, is amended to read: "The sheriff of Montgomery County shall be paid an annual salary of five thousand dollars (\$5,000) net, in lieu of all other compensation, fees, and emoluments, except as is otherwise provided in this Act, and the sheriff shall be allowed the sum of forty-six thousand and two hundred dollars (\$46,200) per annum for help and assistants as follows: one chief deputy at thirty-six hundred dollars (\$3,600) per annum; eleven deputies at three thousand dollars (\$3,000) per annum; one warden at three thousand and three hundred dollars (\$3,300) per annum; two wardens at twenty-four hundred dollars (\$2,400) per annum; and one attorney at one thousand and five hundred dollars (\$1,500) per annum. In addition, the sheriff shall be allowed the further sum of twenty-five hundred dollars (\$2,500) per annum, in equal monthly installments, for his ex officio services and for his attendance upon the sessions of the juvenile court or courts of like jurisdiction in the county. The sheriff further shall be allowed his necessary expenses incurred outside of Montgomery County in investigation of felony cases and apprehension and return of prisoners, up to and including six hundred dollars (\$600) per annum; such expense money shall be paid on requisition filed with and approved by the board of revenue of the county. All payments provided for in this Section shall be paid out of the general funds of the county; and, except as herein otherwise provided, the selection and appointment of deputies, wardens, and the attorney shall be made by the sheriff."

Approved July 7, 1947.

No. 90)

(H. 362—Sightler, Busby, Pinkston, Ingalls

## AN ACT

To provide for the appointment of a deputy clerk of the Circuit Court of Montgomery County, and to prescribe the duties and fix the compensation and salary of such deputy clerk.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Clerk of the Circuit Court of Montgomery County shall appoint a deputy clerk for said Court, said deputy clerk

shall be paid a salary of one hundred seventy-five dollars per month by the County of Montgomery out of the general fund of said county. Said deputy clerk shall possess all the powers and authority, both ministerial and judicial now or hereafter possessed by such Clerk by whom said deputy clerk is appointed.

Section 2. That all laws and parts of laws, general, local or special in conflict with the provisions of this Act be, and the same are hereby expressly repealed.

Section 3. That this act shall go into effect immediately upon its approval by the Governor, or upon its otherwise becoming a law.

Approved July 7, 1947.

No. 91)

(H. 363—Sightler, Busby, Pinkston, Ingalls

#### AN ACT

To amend Local Act Number 602, of the Regular Session of the Legislature of 1939, approved by the Governor on June 28, 1940, entitled an Act: "To authorize and empower the Board of Revenue of Montgomery County, Alabama, in its discretion to donate annually out of the general funds of Montgomery County, Alabama, a sum not exceeding \$600.00 per annum to the support of the Montgomery Museum of Fine Arts. Said sum to be paid in equal monthly installments."

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Board of Revenue of Montgomery County, Alabama is hereby authorized and empowered in its discretion to donate annually out of the general funds of Montgomery County, Alabama, a sum not exceeding \$1800.00 per annum to the support of the Montgomery Museum of Fine Arts. Said amount to be paid in equal monthly installments.

Section 2. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

Section 3. This Act shall take effect upon its passage and approval by the Governor.

Approved July 7, 1947.

No. 92)

(H. 367—Ingalls, Busby, Pinkston and Sightler

#### AN ACT

To fix the compensation of the Judge of Probate of Montgomery County, Alabama, and to regulate the payment of same, and to provide for clerical help and other assistance to said Judge of Probate, and the fixing of their compensation and paying the same, and to provide for ex-officio services and for other contingencies of said Judge of Probate, and to provide for an ex-officio clerk of the Board of Registrars, and to require said Judge of Probate to pay into the County Treasury of said County all costs and charges of Courts, fees and commissions authorized by law to be collected by said Judge of Probate as other moneys belonging to said county are paid.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the salary of the Judge of Probate of Montgomery County, Alabama, shall be six thousand dollars, per annum, and an allowance for office help as follows: One chief clerk at forty-two hundred dollars per annum, three clerks at twenty-seven hundred dollars per annum each, seven clerks at twenty-one hundred dollars per annum each, and one of said clerks in addition to the other duties, shall be ex-officio clerk of the Board of Registrars, which Clerk will be designated by the Judge of Probate, and fifteen hundred dollars per annum for other expenses and clerk hire to be paid out on warrant by the Board of Revenue on proper certificates of said Judge of Probate, and the further sum of Twelve Hundred Dollars, as ex-officio services and for other contingencies to be paid to said Judge of Probate in equal monthly installments out of the general funds of said County.

Section 2. That said Judge of Probate shall pay into the County Treasury of said County, all costs, charges of courts, fees and commissions authorized by law, or which may hereafter be authorized by law to be collected by said Judge of Probate as other moneys belonging to said County are paid. The Board of Revenue shall have the power and authority to audit the account of said Judge of Probate.

Section 3. That all compensation of the Judge of Probate mentioned in this Act, and all allowances provided for expenses, and other assistance shall be paid out of the general fund of the County in monthly installments.

Section 4. That the premiums on said Judge of Probate's bond and the bonds of his clerks shall be paid out of the general funds of said County.

Section 5. That all laws and parts of laws, general, local or special in conflict with the provisions of this Act, be and the same are hereby repealed.

Section 6. That this Act shall be effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Approved July 7, 1947.

No. 93)

(H. 368—Ingalls, Busby, Pinkston, and Sightler

### AN ACT

To fix the Salary of the Deputy Clerk of the Court of Common Pleas of Montgomery.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Salary of the Deputy Clerk of the Court of Common Pleas of Montgomery shall be Twenty-four Hundred Dollars per annum payable in Monthly installments out of the general fund of the Treasury of Montgomery County upon warrants drawn upon the certificates of the Judge of said Court that said Deputy Clerk has performed the duties of his or her office for such month.

Section 2. That this Act shall become effective upon its passage and approval by the Governor.

Section 3. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed.  
Approved July 7, 1947.

No. 94)

(H. 384—Duffee-Sellers-Lamberth

# AN ACT

To amend Sections 1 and 2 of an Act, entitled an Act "To provide and require the Sheriff of Tallapoosa County, Alabama, to appoint and maintain a regular Deputy Sheriff at each of the following places in said County, to-wit: Alexander City, Dadeville, Daviston, and East Tallassee; to prescribe the duties of such Deputies, to fix their terms of office, to provide for their compensation and the payment thereof by said County, and to fix the amount of such compensation, approved July 17, 1931" as amended by an Act of the Legislature, approved September 9, 1935, and as further amended by an Act of the Legislature, May 20th, 1943.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That section 1 of an Act, entitled an Act "To provide and require the Sheriff of Tallapoosa County, Alabama, to appoint and maintain a regular deputy sheriff at each of the following places in said county, to-wit: Alexander City, Dadeville, Daviston, and East Tallassee; to prescribe the duties of such deputies, to fix their terms of office, to provide for their compensation and the payment thereof by said County, and to fix the amount of such compensation," approved July 17th, 1931, as amended by an Act of the Legislature of Alabama, approved September 9th, 1935, and as further amended by an Act of the Legislature of Alabama, approved May 20th, 1943, be and the same is hereby amended so as to read as follows: Section 1: The Sheriff of Tallapoosa County, Alabama is authorized and required to appoint and maintain a regular deputy sheriff at each of the following places in said County, to-wit: Alexander City, Dadeville, Daviston and East Tallassee, whose office shall be maintained in said above named places respectively and each of whom shall be appointed by and hold office at the pleasure of the Sheriff of Tallapoosa County, Alabama. The Deputy Sheriff at Dadeville shall be known as the Chief Deputy Sheriff.

Section 2. That Section 2 of an Act, entitled an Act "To provide and require the Sheriff of Tallapoosa County, Alabama, to appoint and maintain a regular Deputy Sheriff at each of the following places in said County to-wit: Alexander City, Dadeville, Daviston, and East Tallassee; to prescribe the duties of such deputies, to fix their terms of office, to provide for their compensation and the payment thereof, and to fix the amount of such compensation," approved July 17, 1931, as amended by an Act of the Legislature of Alabama, approved September 9, 1935, and as further amended by an Act of the Legislature of Alabama, approved May 20th, 1943, be, and the same is hereby

amended so as to read as follows: Section 2. That the salary of each of said Deputy Sheriffs shall be as follows: The Deputy Sheriff appointed at Alexander City in said County shall be paid a salary of Eighteen Hundred and no/100 (\$1800.00) Dollars per annum to be paid by said Tallapoosa County, Alabama out of the general funds of said County in equal monthly installments on warrants drawn by the Judge of Probate of said County, payable on the 1st day of each month; the Deputy Sheriff appointed at Dadeville in said County, and designated as the Chief Deputy Sheriff, shall be paid a salary of not less than Eighteen Hundred and no/100 (\$1800.00) Dollars and not more than Twenty seven hundred and no/100 (\$2700.00) Dollars per annum, the exact amount within said limits to be fixed by the Court of County Commissioners of Tallapoosa County, Alabama and to be paid by said Tallapoosa County out of the general funds of said county in equal monthly installments on warrants drawn by the Judge of Probate of said County, payable on the 1st day of each month; the Deputy Sheriff appointed at Daviston in said Tallapoosa County shall be paid a salary of Seven hundred twenty and no/100 (\$720.00) Dollars per annum to be paid by said Tallapoosa County out of the general funds of said county in equal monthly installments on warrants drawn by the Judge of Probate of said County, payable on the 1st day of each month and that the Deputy Sheriff appointed at East Tallassee in said Tallapoosa County shall be paid a salary of Eighteen hundred and no/100 (\$1800.00) Dollars per annum to be paid by said Tallapoosa County out of the general funds of said County in equal monthly installments on warrants drawn by the Judge of Probate of said County, payable on the 1st day of each month. That each of said Deputy Sheriffs before entering upon his duties as such Deputy Sheriff shall make and file with the Judge of Probate of said County the oath of office required by law, and in accordance with the provisions of the Constitution of Alabama, and shall execute and file a bond with good and sufficient sureties in the sum of not less than one thousand dollars and not more than three thousand dollars, the amount of same to be fixed by the Sheriff, to be payable to and approved by the Sheriff of said County, and conditioned for the faithful performance and discharge of his duties as such Deputy Sheriff.

Section 3. That all laws and parts of laws in conflict with this act are hereby repealed.

Approved July 7, 1947.

No. 95)

(H. 395—Broadwater

### AN ACT

To change the method of compensating the Tax Assessor of Limestone County, placing such officer on a salary, and providing for the administration of his office on a salary basis.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The Tax Assessor of Limestone County shall be paid

a salary of three thousand and six hundred dollars (\$3,600) per annum in lieu of any other compensation or remuneration for the performance of his duties, except that he shall be entitled to receive for his own use the fees, commissions, and percentages provided by law for making assessments on behalf of municipalities within the county. All other fees, commissions, and percentages heretofore collectible for the tax assessor's own use shall be collected and paid into the general fund of the county. The tax assessor's salary shall be paid out of the general fund of the county in equal monthly installments as the salaries of county employees are paid.

Section 2. The tax assessor may employ a regular clerk, whose salary shall be fixed by him at not less than one hundred dollars (\$100) nor more than one hundred and thirty-five dollars (\$135) per month. In addition to the regular clerk, the tax assessor may employ a temporary clerk for a period not to exceed three months in any year. The salary of the temporary clerk shall be fixed by the tax assessor within the salary range applicable to the regular clerk. The salaries of both clerks shall be paid by the county. The tax assessor shall not employ either clerk unless he shall file on or before October 1 of each year his affidavit showing a necessity for the employment of clerks during the ensuing year.

Section 3. The provisions of this Act are severable. If any part of the Act is declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 4. All laws in conflict with this Act are repealed.

Section 5. This Act shall become effective at the expiration of the term of the incumbent Tax Assessor of Limestone County; or, if the incumbent shall agree in writing, which agreement shall be filed with the Board of Revenue of Limestone County, the Act shall become effective instantler.

Approved July 7, 1947.

No. 96)

(H. 396—Davis, Vann, Lowe.

#### AN ACT

To provide an additional method by which the City of Huntsville may extend its corporate limits in addition to any other method now provided by law.

*Be it Enacted by the Legislature of Alabama:*

Section 1. Whenever the council of the City of Huntsville shall pass a resolution to the effect that the public health or public good requires that certain territory (describing it) shall be brought within the limits of the City of Huntsville: (1) It shall be the duty of the mayor to certify a copy of such resolution to the judge of probate of Madison County and said certified resolution shall have attached thereto a plat or map of the territory proposed to be annexed, which certified resolution and plat or map shall be filed by the judge of probate. (2)

Within ten days from the date of the filing of such resolution, the judge of probate must make and enter an order upon the minutes of said court, directing and ordering an election to be held by the qualified electors residing within the territory described, not less than twenty days nor more than forty days from the date of the making of the order. The said judge shall give notice of the holding of such election by publication in a newspaper published within the City of Huntsville, if a newspaper is published therein, and if no newspaper is published in such municipality, then by posting notices at three public places in such municipality, which notice shall state the day on which such election is to be held, the voting place or places, the boundaries within which voters must reside to vote at the respective voting places, which must be within the territory proposed to be brought into the City of Huntsville, and such notice must give a description of the territory proposed to be annexed, and must state that a map of such territory is on file in the office of the judge of probate of said Madison County, open to the inspection of the public. (3) The judge of probate may designate as many places within the territory proposed to be annexed as he may deem necessary for the convenience of the voters and must designate the boundaries within which the voters must reside to vote at the respective voting places, and shall appoint three inspectors of election, two clerks and one returning officer for each voting place, which inspectors shall manage the election at the respective voting places at which they are appointed as inspectors. (4) Each qualified elector who has resided within the boundaries of the territory proposed to be brought into the City of Huntsville for three months next preceding the election, may vote at such election, but must vote at the voting place designated by the judge of probate for voters in the territory in which he resides. (5) The election to determine whether or not the proposed territory shall be brought within such corporate limits must be conducted in all respects as provided by the general election laws, and under the same sanction and penalties, except as changed by the provisions hereof, and except that an official ballot need not be provided. (6) Each voter may furnish his own ballot with the following words written or printed thereon: "For annexation," if he desires to vote in favor of annexing the territory to the City of Huntsville, or "Against annexation," if he desires to vote against annexing the territory to the City of Huntsville. It shall not be necessary for the ballot to be of any particular size, form, or color. (7) The inspectors at the respective voting places must, as soon as the polls are closed, ascertain and certify the results of the election, at their respective voting places, to the judge of probate, and deliver the same to the returning officer, who must at once return the same to the judge of probate, and the judge of probate must canvass the return as made by the inspectors, and if it appears that a majority of the votes cast at the election were "for annexation," the judge shall make and enter an order on the records of the probate court adjudging and decreeing the corporate limits of the City of Huntsville to be extended so as to



embrace the territory described in the resolution and designated on the plat or map attached to the resolution, and must cause the certified resolution and the map and all orders or decrees or judgments to be recorded in the records in his office, and from the time of the entry of such order such territory shall be a part of and within the corporate limits of the City of Huntsville. If it appears that a majority of the votes cast at the election are "against annexation" the judge of probate shall make and enter an order on the records of the court adjudging and decreeing that a majority of the votes at such election were cast against coming into the corporate limits of the City of Huntsville and that the territory described and designated in the resolution and plat or map attached shall not form a part of or be embraced in the City of Huntsville until it may thereafter be brought into the City as a part thereof. (8) The result of such election may be contested by any qualified elector voting at the election under the same provisions as are provided by general law for contesting the election of a justice of the peace, making the City of Huntsville the contestee. The City of Huntsville shall pay all costs and expense incident to the election. (9) The plat or map filed with the certified copy of the resolution, as required herein, shall show accurately the territory proposed to be embraced within the corporate limits, including all subdivisions into lots, blocks, streets and alleys within such territory, if any, and an accurate description by metes and bounds of the boundary of such territory, which territory must be contiguous to the boundary of and form a homogeneous part of the City of Huntsville and such territory may extend to or around the boundary line of any other city or town, but is not to embrace any territory within the corporate limits of another municipality. No platted or unplatted territory shall be included within the boundary of such territory unless with the consent of the persons, firms or corporations owning at least sixty per cent of the acreage of such platted or unplatted land proposed to be included in such boundary, such consent to be signified by their signing a petition to that effect, which petition shall be filed with the plat or map and certified copy of the resolution. Proof of residence and qualification as electors of petitioners and of persons affected shall be made to the judge of probate, by affidavit or otherwise, as he may direct. When determining the ownership of the land within such boundary, the persons, firms or corporations assessing the same for taxation shall be accepted by the probate judge as prima facie the owners thereof. All territory brought within the corporate limits of the City of Huntsville under the provisions of this act shall be subject to its laws and ordinances and the council shall have and exercise the same jurisdiction over such territory as is exercised over the other territory within the corporate limits of the City of Huntsville. The council may create new wards or may enlarge the wards so as to embrace all the territory brought within the corporate limits of the City of Huntsville so as to afford opportunity to all persons entitled to vote at elections in the City of Huntsville to vote thereat. The probate judge shall be entitled

to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them as they are authorized by law to charge and collect for similar services rendered by them, and the City of Huntsville shall pay all cost and expense thereof except in the case of a contest as herein provided.

Section 2. Notwithstanding the fact that the City of Huntsville may have extended its corporate limits under the provisions of this Act, or any other law, it may again extend its corporate limits hereunder, or under any other law authorizing the extension of such corporate limits; provided however, that after an election has been held in any territory under the provisions of this Act, or any other law, no other or subsequent election shall be ordered or held within the same territory, or any part thereof, within twelve months next after said election.

Section 3. In every proceeding to extend the corporate limits of the City of Huntsville, under the provisions of this Act, the Council of the City of Huntsville, shall declare in each and every resolution herein provided for, and the probate judge shall declare in each and every order directing and ordering an election to be held hereunder, and in every notice given hereunder, and in every order made and entered on the records of the Probate Court hereunder, that such resolution, order or notice, as the case may be, is passed, given or entered under the provisions of this Act.

Section 4. All property and territory brought within the corporate limits of the City of Huntsville under the provisions of this Act shall be liable for payment of taxes to the City of Huntsville, from and after the commencement of the City tax year, commencing next after the judge of probate shall make and enter an order on the records of the Probate Court, adjudging and decreeing the corporate limits of the City of Huntsville to be extended so as to embrace such property or territory.

Section 5. This Act shall constitute an additional method by which the corporate limits of the City of Huntsville may be extended, and shall be in addition to any other method now or hereafter provided by law.

Section 6. This Act shall take effect upon its passage and approval by the Governor.

Approved July 7, 1947.

No. 97)

(H. 399—Haynes (Franklin))

#### AN ACT

To extend, alter, and rearrange the boundary lines and corporate limits of the City of Russellville in Franklin County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The boundary lines and corporate limits of the City of Russellville in Franklin County, Alabama, are hereby extended, altered,

and rearranged so that all of the lands embraced within the following boundaries are within the corporate limits of such municipality: beginning at the northeast corner of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 20, Township 6, Range 11 West, thence west on the north line of Section 20 to the northeast corner of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 19, Township 6, Range 11 West, continue west on the north line of Section 19 to the northeast corner of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 24, Township 6, Range 12 West, continue west to the northwest corner of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 24, thence south on the west line of Section 24 to the northwest corner of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 25, Township 6, Range 12 West, continue south on the west line of Section 25 to the northwest corner of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 36, Township 6, Range 12 West, continue south on the west line of Section 36 to the southwest corner of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 36, thence east on the south line of Section 36 to the southwest corner of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 31, Township 6, Range 11 West, continue east on the south line of Section 31 to the southwest corner of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 32, Township 6, Range 11 West, continue on the south line of Section 32 to the southeast corner of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 32, thence north on the east line of Section 32 to the southeast corner of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 29, Township 6, Range 11 West, continue north on the east line of Section 29 to the southeast corner of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 29, Township 6, Range 11 West, thence on the east line of Section 20 to the starting point.

Section 2. The boundaries set out in Section 1 of this Act are hereby established as the corporate limits of the City of Russellville.

Approved July 7, 1947.

No. 98)

(H. 406—Sightler, Busby, Pinkston, Ingalls

#### AN ACT

To fix the compensation or salary to be paid the tax collector of Montgomery County, Alabama, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officer and the manner of fixing his compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officer; and to require such officer to pay into the county treasury of said county all costs, charges of courts, fees and commissions authorized by law to be collected by said officer as other monies belonging to said county are paid, except any salary, fees or commissions paid said officer for collecting taxes for any municipality.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the tax collector of Montgomery County, Alabama, shall be paid an annual salary, which shall be paid to and received by him in lieu of all other compensations, fees or emoluments, as follows: The tax collector shall receive an annual salary of Four thousand dollars net, except as herein otherwise provided, and an allowance of Seven Thousand dollars per annum for office help as follows: one

clerk at thirty-six hundred dollars per annum, and one clerk at twenty-four hundred dollars per annum, and one thousand dollars per annum for other expenses and ex-officio services of the said tax collector. The said one thousand dollars to be paid to the tax collector in monthly installments. The Board of Revenue or other governing body of like jurisdiction of Montgomery County, Alabama, is also authorized and empowered to furnish the tax collector of said county extra clerical assistance not to exceed nine hundred dollars per annum whenever in their discretion such assistance is necessary. The personnel of said assistants to be selected by the said tax collector.

Section 2. That the tax collector shall pay into the county treasury of said county, all costs, charges of court, fees and commissions authorized by law, or which may hereafter be authorized by law to be collected by him as monies belonging to said county are paid. Provided that any salary, fees or commissions paid to said officer for collecting taxes of any municipality shall not be paid into the treasury of said County, but shall be held by said officer as compensation for such services in addition to his salary as herein provided. The Board of Revenue or other governing body of like jurisdiction of Montgomery County, Alabama, shall have the power and authority to have audited the accounts of said officer for the purpose of requiring a strict compliance with the provisions of this act.

Section 3. That all compensation and salary of the tax collector and all allowances provided for expenses, clerical help and other assistance shall be paid out of the general fund of the said Montgomery County in monthly installments.

Section 4. That the premium on the tax collector's bond and the bonds of his clerks and deputies shall be paid out of the general fund of Montgomery County.

Section 5. That all laws or parts of laws, general, local or special, in conflict with the provisions of this act be, and the same are hereby expressly repealed.

Section 6. That this act shall go into effect immediately upon its approval by the Governor.

Approved July 8, 1947.

No. 99)

(H. 408—Brassell and Cole

### AN ACT

To validate certain expenditures ordered by the governing body of Russell County for the relief of [W. H. Simmons].

### P R E A M B L E

WHEREAS on and before November 6, 1946, [W. H. Simmons] was employed by Russell County as a road and bridge foreman and was seriously injured in the line of duty, and

WHEREAS the expense of medical treatment, hospital and nursing care incurred by the said [W. H. Simmons] is a moral obligation of the county, and

WHEREAS the governing body of Russell County has ordered payment of such expenses, therefore

*Be it Enacted by the Legislature of Alabama:*

Section 1. The action of the governing body of Russell County, Alabama, in ordering the payment of the following amounts to the persons named herein in satisfaction of claims held by such persons against [W. H. Simmons] is hereby validated: 1) Warrant No. 788, dated November 6, 1946, in the amount of two hundred fifty dollars (\$250) issued in favor of Dr. Bert Tillery; 2) Warrant No. 789, dated November 6, 1946, in the amount of one hundred ninety-eight dollars and forty-five cents (\$198.45) issued in favor of Columbus City Hospital; 3) Warrant No. 790, dated November 6, 1946, in the amount of one hundred thirty-seven dollars (\$137) issued in favor of Mrs. Melvin McCain.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 7, 1947.

No. 109)

#### AN ACT

(S. 191—Allen

To amend Section 3 of an act entitled "An Act to fix the compensation or salary to be paid the Judge of Probate of Etowah County, Alabama, and to regulate the payment of the same; to provide for the compensation of clerks, deputies, clerical assistants and other expenses in the Probate Office of Etowah County, Alabama, and to require said Judge of Probate to collect all the fees, compensation and allowances heretofore or hereafter collected by said Judge of Probate, and to pay same into the County Treasury of Etowah County; to provide for the payment of the salary or compensation of said Judge of Probate and the clerks, deputies and other clerical assistants, and other office expenses, out of the funds of Etowah County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect." enacted by the 1943 Legislature of Alabama, approved June 10, 1943, and set out in 1943 Local Acts of the Legislature of Alabama, pages 73 and 74, as Local Act No. 137.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Section 3 of an Act entitled "An Act to fix the compensation or salary to be paid the Judge of Probate of Etowah County, Alabama, and to regulate the payment of the same; to provide for the compensation of clerks, deputies, clerical assistants and other expenses in the Probate Office of Etowah County, Alabama, and to require said Judge of Probate to collect all the fees, compensation and allowances heretofore or hereafter collected by said Judge of Probate, and to pay same into the County Treasury of Etowah County; to provide for the payment of the salary or compensation of said Judge of Probate and the clerks, deputies and other clerical assistants, and other

office expenses, out of the funds of Etowah County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect," enacted by the 1943 Legislature of Alabama, approved June 10, 1943, and set out in 1943 Local Acts of the Legislature of Alabama, pages 73 and 74, as Local Act No. 137, be and it is hereby amended so as to read as follows:

Section 3. The Board of Revenue, or like governing body, of Etowah County, Alabama, is required, authorized and empowered to provide sufficient clerks, deputies and other assistants to the said Judge of Probate, but the said Judge of Probate shall select the said clerks, deputies and other assistants, and shall fix their compensation, but the combined salaries or compensation of said clerks, deputies and assistants selected by him shall not exceed Fourteen Thousand and no/100 (\$14,000.00) Dollars, per annum. The said Judge of Probate shall have the right to discharge the said clerks, deputies and assistants at will. The salaries or compensation of said clerks, deputies and assistants shall be paid in equal monthly installments out of the general funds of Etowah County, upon separate warrants drawn in the same manner as other employees of Etowah County are paid."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor.

Approved July 11, 1947.

No. 110)

(S. 203—Clayton

#### AN ACT

To authorize the Board of Revenue of Barbour County to appropriate funds for the purchase of soil conservation machinery and equipment for use by residents of the county in conserving soil resources and controlling and preventing soil erosion.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The Board of Revenue of Barbour County is authorized to appropriate a sum not to exceed five thousand dollars (\$5,000) per annum to be used for the purpose of purchasing or otherwise acquiring terracing and soil conservation machinery and equipment.

Section 2. Any machinery or equipment purchased or otherwise acquired by the county under authority of this Act may be leased or lent to responsible residents of Barbour County for use in conserving soil resources and controlling and preventing soil erosion upon such terms and conditions as the board may impose.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 11, 1947.

No. 111)

(S. 206—Cater

## AN ACT

To fix the Salary of the Deputy Clerk of the Court of Common Pleas of Montgomery.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Salary of the Deputy Clerk of the Court of Common Pleas of Montgomery shall be Twenty-four Hundred Dollars per annum payable in monthly installments out of the general fund of the Treasury of Montgomery County upon warrants drawn upon the certificates of the Judge of said Court that said Deputy Clerk has performed the duties of his or her office for such month.

Section 2. That this Act shall become effective upon its passage and approval by the Governor.

Section 3. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Approved July 11, 1947.

No. 114)

(H. 482—Brassell

## AN ACT

To Alter or rearrange the boundary lines of the City of Phenix City, Alabama, so as to include within the corporate limits of said City territory not already included therein.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the boundaries of the City of Phenix City, in the County of Russell and State of Alabama, be and the same are hereby altered and rearranged so as to include within the corporate limits of said City all of that territory lying within the County of Russell and included in the following boundaries, to-wit: Beginning at a point on the West Bank of the Chattahoochee River where the half section line of Section 35, Township 18, Range 30 East intersects the State line between the State lines of Alabama and Georgia and continuing thence in a Westerly direction along the half Section line of Sections 35, 34, and 33 to the West boundary of Section 33; thence South along the Western boundary of Section 33, all in Township 18, Range 30 East, along the Western boundary of Sections 4, 9, 16, 21 to the Southwest corner of Section 28, all in Township 17, Range 30 East; thence in an Easterly direction along the South line of said Sections Twenty-eight, Twenty-seven, Twenty-six, Twenty-five and Thirty to the East boundary line of the State of Alabama; thence in a Northerly direction along the East boundary line of the State of Alabama; thence continuing in a Northerly direction along the West Bank of the Chattahoochee River on the dividing line between the States of Georgia and Alabama to the Lee County line and the point of beginning.

Section 2. That all laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall take effect upon its passage and approval.  
Approved July 8, 1947.

No. 117)

(S. 83—Gaither

## AN ACT

To repeal an Act to provide for the establishment, discontinuance, construction, use, working, maintaining and location of the public roads and bridges in Cleburne County, Alabama: To provide for the appointment of a Road Supervisor in and for said County and to prescribe his qualifications, duties, and to fix his salary and provide for the method of his election or appointment, approved August 22, 1927.

*Be it Enacted by the Legislature of Alabama:*

SECTION ONE: That an Act entitled An Act to provide for the establishment, discontinuance, construction, use, working, maintaining, and location of the public roads and bridges in Cleburne County, Alabama, and to provide for the appointment of a Road Supervisor in and for said County and to prescribe his qualifications and duties, and to fix his salary and provide for the method of his election or appointment, approved August 22, 1927, be, and the same is hereby repealed.

SECTION TWO: That this Act shall go into effect upon its approval by the Governor.

Approved July 17, 1947.

No. 119)

(S. 195—Tom Blake Howle

## AN ACT

To provide for clerical assistants, and other expenses, of the Judge of Probate, Tax Collector, and Tax Assessor of Calhoun County, and to provide for the payment of the salaries of clerks, deputies, and clerical assistants in said offices out of the County Treasury of Calhoun County.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the combined salaries, or compensation of the clerks, deputies, and assistants in the office of the Judge of Probate of Calhoun County; shall not exceed thirteen thousand eight hundred (\$13,800.00) dollars per annum; that the combined salaries of the clerks, deputies, and assistants in the office of the Tax Collector of Calhoun County, shall not exceed four thousand four hundred sixty (\$4,460.00) dollars per annum; that the combined salaries of the clerks, deputies, and assistants in the office of the Tax Assessor of Calhoun County, shall not exceed eight thousand three hundred sixty (\$8,360.00) dollars per annum, which said salaries, or compensation shall be paid in equal monthly installments, out of the general funds of Calhoun County, in the same manner as the clerks, deputies, and assistants in said offices are now paid.

Section 2. That the County Commission, or like governing body of said county is hereby authorized, empowered and directed to appropriate and set aside out of the general fund of Calhoun County, the amounts fixed for clerical assistants in the offices of the Judge of



Probate, Tax Collector, and Tax Assessor, respectively, and the County Treasurer, or County Depositary, of said County is hereby authorized to pay said amounts upon warrants drawn in the same manner as other employes in said offices are paid.

Section 3. That all laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 4. This act shall take effect immediately upon its passage and approval by the Governor.

Approved July 11, 1947.

No. 120)

(S. 210—Patton

### AN ACT

To change the method of compensating the Tax Collector of Limestone County, placing such officer on a salary basis, and providing for the administration of his office on that basis.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The Tax Collector of Limestone County shall be paid a salary of three thousand and six hundred dollars (\$3,600) per annum in lieu of any other compensation or remuneration for the performance of his duties, except that he shall be entitled to receive for his own use the fees, commissions, and percentages provided by law for collecting taxes on behalf of municipalities within the county. All other fees, commissions, and percentages heretofore collectible for the tax collector's own use shall be collected and paid into the general fund of the county. The tax collector's salary shall be paid out of the general fund of the county in equal monthly installments as the salaries of county employees are paid.

Section 2. The tax collector may employ a clerk, whose salary shall be fixed by him at not less than one hundred dollars (\$100) nor more than one hundred and thirty-five (\$135) per month. The salary of the clerk shall be paid by the county. The tax collector shall not employ such clerk unless he shall file on or before October 1 of each year his affidavit showing a necessity for such employee during the ensuing year.

Section 3. The provisions of this Act are severable. If any part of the Act is declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 4. All laws in conflict with this Act are repealed.

Section 5. This Act shall become effective at the expiration of the term of the incumbent Tax Collector of Limestone County; or, if the incumbent shall agree in writing, which agreement shall be filed with the Board of Revenue of Limestone County, the Act shall become effective instant.

Approved July 17, 1947.

No. 121)

(S. 211—Patton)

## AN ACT

To change the method of compensating the Sheriff of Limestone County; placing such officer on a salary; and providing for the operation of his office on a salary basis.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The Sheriff of Limestone County shall be paid an annual salary of three thousand and six hundred dollars (\$3,600) and may be furnished, at the expense of the county, a house in which to reside during his continuance in office, which salary and allowance shall be in lieu of all other compensation or remuneration for the performance of his duties. The salary of the sheriff shall be paid in equal monthly installments from the general fund of the county.

Section 2. All fees, commissions, percentages, and allowances heretofore collectible for the use of the sheriff and his deputies shall be collected and paid into the general fund of the county. This shall include the allowances or amounts received by the sheriff for feeding prisoners from both the State and Federal Government, and the county governing body of Limestone County shall pay the actual expenses incurred in feeding such prisoners out of the general fund of the county.

Section 3. The sheriff may appoint a chief deputy and three other deputies, one of whom may be the jailer, whose salaries shall be fixed by the sheriff and be paid by the county in equal monthly installments as the salaries of county employees are paid. The annual salary of the chief deputy shall not be less than one thousand and eight hundred dollars (\$1,800) nor more than two thousand and four hundred dollars (\$2,400), and the annual salary of each other deputy shall not be more than one thousand and eight hundred dollars (\$1,800).

Section 4. Before entering upon the discharge of the duties of office, the chief deputy shall give bond in the penal sum of two thousand dollars (\$2,000); and each other deputy shall give bond in the penal sum of one thousand dollars (\$1,000).

Section 5. The sheriff shall be provided two automobiles for use on official business and in connection with the performance of his duties. The original cost of such automobiles and the expense of operating them shall be paid by the county.

Section 6. The provisions of this Act are severable. If any part is declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 7. All laws in conflict with this Act are repealed.

Section 8. This Act shall become effective upon the expiration of the term of office of the incumbent Sheriff of Limestone County.

Approved July 17, 1947.

No. 122)

(S. 223—Boutwell)

## AN ACT

To amend section 3 of the act establishing the Intermediate Civil Court of Birmingham, approved September 7, 1935 (Local Acts of Alabama, page 219).

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Section 3 of the act establishing the Intermediate Civil Court of Birmingham, approved September 7, 1935 (Local Acts of Alabama, page 219), be and the same is hereby amended so as to read as follows: Section 3. That the territorial jurisdiction of this court shall not extend over that portion of Jefferson County which is included in the following precincts as now constituted to-wit: Williams Precinct No. 1, Jonesboro Precinct No. 2, Parson's Precinct No. 3, Aaron's Precinct No. 4, Short Creek Precinct No. 5, Bethlehem Precinct No. 7, Meets Precinct No. 24, Toadvine Precinct No. 27, Bessemer Precinct No. 33, Gwin's Precinct No. 35, Huey's Precinct No. 40, Parkwood Precinct No. 41, Mulga Precinct No. 49, Virginia Mines Precinct No. 51, and Brighton Precinct No. 55.

Approved July 17, 1947.

No. 123)

(S. 224—Gaither)

## AN ACT

To repeal an Act providing for the payment of salaries of the members of the Court of County Commissioners of Cleburne County, Alabama,—  
Approved Feb. 24, 1937.

*Be it Enacted by the Legislature of Alabama:*

SECTION ONE: That the Act, approved Feb. 24, 1937, authorizing and directing the members of the Board of County Commissioners of Cleburne County to supervise and inspect the construction and maintenance of roads and bridges, and to provide for their compensation, be and the same is hereby repealed.

SECTION TWO: This Act shall become effective upon the approval by the Governor.

Approved July 17, 1947.

No. 131)

(H. 163—Larkins)

## AN ACT

To prescribe the method of selecting the superintendent of education for Coffee County, fixing his term of office, providing the payment of his salary, and repealing all conflicting laws.

*Be it Enacted by the Legislature of Alabama:*

Section 1. A superintendent of education for Coffee County shall be elected at the general election held in November, 1948,

and every four years thereafter. The superintendent of education shall hold office for a term of four years, commencing July 1 next succeeding his election. In the event a vacancy occurs in the office, the county board of education is authorized to fill such vacancy for the unexpired term by appointment. The salary of the superintendent of education shall be fixed by the county board of education.

Section 2. All laws in conflict with the provisions of this Act are repealed.

Approved July 17, 1947.

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No. 135)

(H. 216—Stewart & Harris

AN ACT

To alter or rearrange the boundaries of the City of Hartselle, Alabama.

*Be it Enacted by the Legislature of Alabama:*

That the boundaries of the City of Hartselle, Alabama, be altered, extended or rearranged so as to include all of Sec. 10, Sec. 11, Sec. 15, and all of that part of Sec. 14 lying north and west of Shoal Creek, all in Tp. 7, R. 4 West, in Morgan County, Alabama, the said corporate limits being more particularly described as follows, to-wit: Beginning at the north-west corner of Sec. 10, thence south two miles to the south-west corner of Sec. 15, thence east along the south line of Sec. 15 and Sec. 14 to a point where said line intersects Shoal Creek, thence along the north-westerly line or bank of Shoal Creek, as it meanders through said Sec. 14, to the point where said Creek intersects the east line of Sec. 14, thence north to the north-east corner of Sec. 11, thence west two miles to the point of beginning, all being in Tp. 7, R. 4 West, in Morgan County, Alabama.

Approved July 17, 1947.

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No. 138)

(H. 278—Barnett and Rogers

AN ACT

To enlarge the corporate limits of the City of Florence, Lauderdale County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

1. That the following described land may be added to and made a part of the lands embodied within the corporate limits of the City of Florence, Alabama, and the corporate limits of said City may be extended so as to include said land, to-wit: Beginning at a point on the west boundary of the corporate limits of the City

of Florence, Alabama, this point being the common section corner of Sec. 3, 4, 9 & 10, T. 3, R. 11, West; thence west along the south line of Sec. 4, T. 3, R. 11, West to the SW corner of the S.E.  $\frac{1}{4}$  of Sec. 4, T. 3, R. 11, West; thence north along the west line of the S. E.  $\frac{1}{4}$  and the N.E.  $\frac{1}{4}$  of Sec. 4, T. 3, R. 11, West, to the south bank of Cypress Creek; thence N. E. along the south bank of Cypress Creek to the mouth of Cox Creek; thence N. E. along the south bank of Cox Creek to the north line of Sec. 4, T. 3, R. 11, West; thence east along the north line of Sec. 4, 3, & 2, T. 3, R. 11, West, to the N. W. corner of Sec. 1, T. 3, R. 11, West; thence south along the west line of Sec. 1, T. 3, R. 11, West, to the S. W. corner of the N. W.  $\frac{1}{4}$  of Sec. 1, T. 3, R. 11, West; thence east along the south line of the N. W.  $\frac{1}{4}$  and N. E.  $\frac{1}{4}$  of Sec. 1, T. 3, R. 11, West to the east line of Sec. 1, T. 3, R. 11, West; thence north along the east line of Sec. 1, T. 3, R. 11, West, to the N. E. corner of Sec. 1, T. 3, R. 11, West; thence east along the north line of Sec. 6, T. 3, R. 10, West, 4192 feet; thence south and parallel to the east line of Sec. 6, T. 3, R. 10, West, to the north line of the Tennessee Valley Authority, Reservation at Wilson Dam, Alabama; thence west along the north line of the T.V.A. Reservation to the N. W. corner of the T.V.A. Reservation; thence south along the west line of the T.V.A. Reservation to the north bank of the Tennessee River; thence West along the north bank of the Tennessee River to the center line of Jones Street according to the map of the City of Florence, Alabama; thence along the corporate limits of the City of Florence, Alabama, as follows, N. W. along the center line of Jones Street to the north line of Sec. 7, T. 3, R. 10, West; thence west along the north line of Sec. 7, T. 3, R. 10, West and Sec. 11, and 12, T. 3, R. 11, West to the west line of the Louisville and Nashville Railroad right-of-way; thence north along the west line of the L & N RR right-of-way to the north line of the S. W.  $\frac{1}{4}$  of Sec. 2, T. 3, R. 11, West; thence west along the north lines of S. W.  $\frac{1}{4}$  of Sec. 2, S. E.  $\frac{1}{4}$  of Sec. 3, and S. W.  $\frac{1}{4}$  of Sec. 3, T. 3, R. 11, West to the west line of Sec. 3, T. 3, R. 11, West; thence south along the west line of Sec. 3, T. 3, R. 11, West, to the S. W. corner of Sec. 3, T. 3, R. 11, West, this being the point of beginning.

2. The said lands may be added to and made a part of the lands within the Corporate limits of the City of Florence, Alabama and the corporate limits of said City may be extended so as to include said land in the manner following, to-wit: Whenever a governing body of said City shall enact a resolution requesting the Judge of Probate of Lauderdale County, Alabama to call an election on the subject a certified copy of the resolution with a plat of the land annexed shall be filed with the said Judge of Probate. Thereupon, the Judge of Probate shall call and have conducted such election in all respects in accordance with the

requirements of Title 37, Chapter 5, Article 1 of the 1940 Code of Alabama. The results of such election will be determined and declared and recorded as provided by law and if the majority of ballots cast shall be "for annexation" the corporate limits shall be enlarged as indicated in this act.

3. This act shall become effective immediately upon its approval by the Governor.

Approved July 17, 1947.

No. 139)

(H. 294—Black

### AN ACT

To fix the salary of the Sheriff of Walker County, Alabama; to provide for payment of the same out of the General Fund of the County; to provide that all fees and commissions now allowed the Sheriff for services rendered shall be collected by him and paid over to the Treasurer of the County for the use of the General Fund of the County; to provide for the employment of deputies, including a chief deputy, jailers, and an office clerk or bookkeeper in the office of Sheriff of Walker County; to fix their salaries; to provide for the payment of same out of the General Fund of the County; to provide for the expenses of private motor vehicles used by the Sheriff and his deputies in the performance of their official duties; to provide for the payment of such expenses out of the General Fund of the County; to provide for other necessary expenses of the office of Sheriff of Walker County, including stamps, stationery, books, office supplies, equipment and furnishings; to provide for the payment of such expenses out of the General Fund of the County; and to repeal all laws and parts of laws in conflict herewith.

#### *Be it Enacted by the Legislature of Alabama:*

Section 1. That the salary of the Sheriff of Walker County, Alabama shall be \$5,000.00 per year, payable in twelve equal monthly installments by the Treasurer of said County out of the General Fund thereof.

Section 2. That the Sheriff of Walker County shall collect all fees and commissions now allowed by law for services rendered and shall pay same over to the Treasurer of Walker County for the use of the General Fund of the County.

Section 3. That the Sheriff of Walker County shall be entitled to employ one chief deputy at a salary of \$3,000 per year; three other deputies at a salary of \$2,400 per year each; two jailers at a salary of \$1,800 per year each; and one office clerk or bookkeeper at a salary of \$1,800 per year. The salary of the chief deputy, the other deputies, the jailers, and the office clerk or bookkeeper shall be payable in twelve equal monthly installments by the Treasurer of said County out of the General Fund thereof, such payments to be made upon a certificate from the Sheriff to the effect that the person to whom payment is to be made has performed the services for which payment is sought and is entitled to the pay certified. The deputies herein provided for shall be in lieu of all deputies now allowed by law.

Section 4. That the Sheriff of Walker County shall own and main-

tain or cause his deputies to own maintain at least three motor vehicles for use at all times in the performance of their official duties. For the use, repair, maintenance and depreciation of said motor vehicles, and for gasoline and oil with which to operate the same, the Sheriff of Walker County shall be paid, in addition to the salary herein provided, the sum of \$110 per month for each of said motor vehicles, which said sum shall be used to pay the owner of the same for use repair, maintenance and depreciation and for gasoline and oil with which to operate the same. Said sum shall be due to the Sheriff of Walker County by the Treasurer of Walker County out of the General Fund thereof on the last day of each month.

Section 5. That the Sheriff of Walker County shall be furnished such office supplies and equipment for the operation of his office, including stamps, stationery, books, and furnishings, as the Board of Revenue of said County shall deem necessary, payment for the same to be made out of the General Fund of Walker County.

Section 6. That all laws and parts of laws in conflict herewith, and especially Act No. 193, Local Acts 1945, approved June 23, 1945, be and the same are hereby expressly repealed.

Section 7. That this Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved July 11, 1947.

No. 140)

(H. 311—Doughty

### AN ACT

TO REGULATE THE JURISDICTION OF JUSTICES OF THE PEACE AND NOTARIES PUBLIC AND EX OFFICIO JUSTICES OF THE PEACE IN PICKENS COUNTY: THEIR PLACES FOR HOLDING COURTS AND THEIR FEES AS SUCH.

*Be it Enacted by the Legislature of the State of Alabama as follows:*

Section I. That all Justices of the Peace and Notaries Public and Ex Officio Justices of the Peace, now qualified or who shall hereafter qualify as such, shall have and exercise jurisdiction, in addition to the jurisdiction now given them by law, in all beats or precincts in said County where there is no Justices of the Peace or Notary Public and Ex Officio Justices of the Peace qualified as such and to the extent of the jurisdiction now possessed by them under the law, and shall have authority to sit and hold Court in other beats or precincts than the beat or precinct of their residence and, in their discretion, to make process issued by them or from their said Court returnable to such other beats or precincts, and, when holding Court in such other beats or precincts, shall receive as a fee in addition to the fees now allowed them by law the sum of \$2.50 as a trial fee in all cases tried or disposed of by him or them, both civil and criminal.

Section II. That such Justices of the Peace and Notaries Public and Ex Officio Justices of the Peace shall have the right to sit and hold Court in the Court House of said County, at Carrollton, Alabama, and may hold such Court at any place in said beats or precincts as designated by them.

Section III. That all law and parts of laws in conflict herewith be and the same are, hereby repealed.

Approved July 17, 1947.

No. 144)

(H. 387—White (Covington))

### AN ACT

To extend, alter and re-arrange the boundary lines and corporate limits of the Town of Lockhart, Covington County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the boundary lines of the corporate limits of the Town of Lockhart be and the same are hereby extended, altered and re-arranged so as to include, in addition to the present territory within said corporate limits, the territory described as follows: Beginning at the Northeast (NE) corner of Southeast Quarter of Southeast Quarter (SE $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of Section 28, and run thence South along Section line one (1) mile to the Southeast (SE) corner of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of Section 33; thence west to the Southwest (SW) corner of the Northeast Quarter of Southeast Quarter (NE $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of Section 33; thence north seven-eighths ( $\frac{7}{8}$ ths) of a mile to a point; thence west one-fourth ( $\frac{1}{4}$ ) of a mile; thence north one-eighth ( $\frac{1}{8}$ th) of a mile to the northwest corner of the Southwest Quarter of Southeast Quarter (SW $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of Section 28; thence east one-half ( $\frac{1}{2}$ ) of a mile to the point of beginning:—all in Township One North (T.1.N.) of Range Seventeen East (R.17.E.), Covington County, Alabama. Said territory above described contains a total of one hundred eighty (180) acres, more or less.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act is to take effect upon approval of the Governor.

Approved July 17, 1947.

No. 146)

(H. 442—Benford)

### AN ACT

Fixing the Compensation or Salary of the Members of the Court of County Commissioners of Marshall County, Alabama, and requiring that they devote their full time to the duties of their office and to provide for the



manner and method of such payment and to provide pickup truck for their use, and to provide when this act shall go into effect.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That on and after the passage and approval of this act each of the members of the Court of County Commissioners of Marshall County, Alabama, as constituted by law, except the Probate Judge of said county, acting as Chairman of said court of said County, shall devote their entire time to the duties of their office, provided however, each member of the Court of County Commissioners shall be furnished, at the expense of the county, a pickup truck to be used by them in carrying out the duties of their said offices.

Section 2. That on and after the passage and approval of this Act the salary or compensation of each of the members of the Court of County Commissioners of Marshall County, Alabama, be and is hereby fixed in the sum of \$150.00 per month, payable monthly out of the General Fund of said county or out of any monies belonging to the Road and Bridge Fund of said county or of the gasoline or motor fuels tax appropriated to said county, which shall be in full of all compensation to be paid to each of said members of said Court of County Commissioners and that the salary or compensation of the Probate Judge of said county acting as Chairman of said Court of County Commissioners of said county shall be \$5.00 per day for each day said Court is in session, payable on the adjournment of each session of the Court, and out of the same funds as is paid the compensation or salary of the members of the Court of County Commissioners as hereinabove provided.

Section 3. This act shall take effect upon its passage and approval.

Approved July 17, 1947.

No. 147)

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### AN ACT

(H. 472—Richardson

To provide for the appointment of a deputy clerk of the Circuit Court of Lawrence County, Alabama and to prescribe the duties and fix the compensation of such deputy.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the clerk of the Circuit Court of Lawrence County, Alabama be and he is hereby authorized to appoint a deputy clerk for said court and said deputy clerk shall hold office at the pleasure of said Circuit Clerk and shall receive a salary of one hundred dollars (\$100.00) per month to be paid out of the general fund of Lawrence County, Alabama. Said deputy clerk shall possess all of the powers and authority both ministerial and judicial now or hereafter possessed by said Circuit Clerk, and shall

also be deputy register at such times as the Clerk of the Circuit Court of Lawrence County, Alabama, is authorized to perform the duties of the register of said court.

Section 2. This Act shall become effective on the first day of the month following the month in which this Act is passed and approved.

Approved July 17, 1947.

No. 148)

(H. 473—Richardson

### AN ACT

To amend Section 3 of Act No. 18, **Local Acts of 1898-99**, approved December 1, 1898, and to amend Section 5 of said Act, which said Section 5 was amended by an Act approved 6th day of September, 1927, and further amended by an Act approved October 25, 1932; which said Act established a Court of County Revenue for Lawrence County, Alabama, and defines its duties and powers.

*Be it Enacted by the Legislature of Alabama:*

Section 1. Section 3 of Act No. 18, Local Acts of 1898-99, is amended to read: "The Court of County Revenue of Lawrence County shall have the jurisdiction, powers, and duties prescribed by law for the Courts of County Commissioners. In addition thereto, each of the four commissioners shall have the duty to supervise the building, repairing, and inspecting of county roads, bridges, buildings, or works within his district, and he shall also act as road foreman in his district. Each commissioner shall devote his entire time to the performance of the duties of his office."

Section 2. Section 5 of Act No. 18, Local Acts of 1898-99, as amended by an Act approved 6th day of September, 1927, and further amended by an Act approved October 25, 1932, is amended to read: "(a) The Probate Judge shall be paid out of the General Funds of the County Four Dollars (\$4.00) for each day he is actually engaged in the performance of his duties as a member of the Court of County Revenue, for each regular, special or called meeting of said Court of County Revenue. "(b) Each commissioner shall receive as compensation for the performance of his duties two hundred dollars (\$200.00) per month, payable out of the Gasoline Excise Tax levied by the State of Alabama, accruing to Lawrence County, Alabama, which shall be in lieu of any other compensation, except as provided in Subsection (c) of this section. "(c) Each commissioner shall provide his own transportation, but shall receive a travel allowance of five cents (\$.05) per mile for each mile actually traveled in discharging the duties of his office, but no member shall receive a travel allowance in excess of Fifty dollars (\$50.00) in any one month, which travel allowance shall be paid out of the Gasoline Excise Tax levied by the State of Alabama, accruing to Lawrence County, Alabama, upon filing with the

Chairman of the Court of County Revenue, a sworn itemized mileage expense account showing the total mileage in the performance of his official duties."

Section 3. If any section, paragraph, clause or provision of this Act be declared invalid or unconstitutional by any Court of competent jurisdiction the same shall not affect any other section, paragraph, clause or provision not specifically invalidated.

Section 4. All laws, whether special, local or general which conflict with this Act are hereby expressly repealed in so far as they relate to Lawrence County.

Section 5. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1947.

No. 149)

(H. 474—Bush

#### AN ACT

To amend Section 1 of an act entitled "An Act to prescribe the salary and manner of payment of the same, of the Chief Deputy Sheriff of Macon County, Alabama," approved June 22, 1943.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Section 1 of an act entitled "An Act to prescribe the salary and manner of payment of the same, of the Chief Deputy Sheriff of Macon County, Alabama," approved June 22, 1943, be and the same is hereby amended to read as follows: "Section 1. The salary of the Chief Deputy Sheriff of Macon County, Alabama, shall be in the sum of \$2,400.00 per annum, the same to be paid in equal monthly installments out of the treasury of said County, upon the warrant of the Board of Revenue or other governing body of said County."

Section 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Section 3. That this Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved July 17, 1947.

No. 150)

(H. 475—Bush

#### AN ACT

To amend Section 1 of an act entitled "An Act to authorize the Board of Revenue of Macon County, Alabama, to provide for an additional Deputy Sheriff; to provide the manner and method of his appointment and to fix his salary and make provisions for payment of same; and prescribe his duties," approved June 22, 1943.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Section 1 of an act entitled "An Act to authorize the Board of Revenue of Macon County, Alabama, to provide for an additional Deputy Sheriff; to provide the manner and method of his appointment and to fix his salary and make provisions for payment of same; and prescribe his duties," approved June 22, 1943, be and the same is hereby amended to read as follows: "Section 1. That the Board of Revenue of Macon County, Alabama, is hereby authorized to provide an additional Deputy Sheriff to serve at the will of the Board of Revenue; that the Board of Revenue can provide for his salary, which shall not exceed \$2,100.00 per annum, payable in equal monthly installments out of the General Funds of Macon County; that the Sheriff may appoint such Deputy with approval of the Board of Revenue, and said Deputy Sheriff shall perform duties anywhere in said County."

Section 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Section 3. That this Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved July 17, 1947.

No. 151)

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AN ACT

(H. 484—Brassell & Cole

To prescribe the limit of the Police Jurisdiction of and for the City of Phenix City, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the limit of the Police Jurisdiction of and for the City of Phenix City, Alabama, shall extend only one and one half (1½) miles from the city limit of said City.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 17, 1947.

No. 155)

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AN ACT

(H. 477—Dyar

To amend Section V of an Act entitled "To provide for an election of a County Superintendent of Education for Marion County, Alabama, to fix his term of office to provide for filling vacancies therein, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for his successor in office.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That section V of an Act entitled, "To provide for

an election of a County Superintendent of Education for Marion County, Alabama, to fix his term of office, to provide for filling vacancies therein, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for his successor in office" approved June 3, 1935 (Local Acts 1935, pages 18 and 19 inclusive) be, and the same is hereby amended so as to read as follows: Section V: That the salary of County Superintendent of Education of Marion County, shall be fixed by the County Board of Education in an amount that the Board may seem proper and ample not to exceed \$4,200.00 per year and which salary shall be paid in the same manner and way as now provided under the General Laws of the State of Alabama, for the payment of County Superintendent of Education in the several counties of Alabama, provided, however, that the salary shall not be increased or decreased during the term of office.

Section II. That all laws, general, special or local, in conflict herewith, be, and the same are hereby repealed.

Section III. This act shall become effective on its approval by the Governor, or otherwise become a law.

Approved July 22, 1947.

No. 156)

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AN ACT

(H. 478—Dyar

To allow members of the County Board of Education of Marion County pay not more than 24 days in one year, payable from the General School Funds of Marion County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section I. That the members of the County Board of Education of Marion County shall receive from the public school funds of the county \$10.00 per day and their actual traveling and hotel expenses incurred in attending meetings of the Board and transacting business of the Board. The members of the County Board shall not be allowed pay for more than 24 days in any one year and their expenses shall be paid in like manner as provided for compensation of teachers.

Section II. All laws and parts of laws in conflict with this section are hereby expressly repealed and this act shall be in full force and effect from the date of its approval by the Governor of Alabama.

Approved July 22, 1947.

No. 158)

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AN ACT

(H. 293—Black

To fix the salary of the Clerk of the Circuit Court of Walker County, Alabama, to provide for the payment of same out of the general fund of said county, and to provide that all fees and commissions allowed by law to

said Clerk shall be collected by him and paid over to the Treasurer of the county for the use of the general fund; to provide for the employment of two clerks in said Circuit Clerk's office, to fix the amount of their salary, and to provide for the payment of same out of the general fund of said county.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the salary of the Clerk of the Circuit Court of Walker County, Alabama, after the passage and approval of this Act shall be \$4400 per annum, payable in twelve equal monthly installments and shall be payable by the Treasurer of said county out of the general funds thereof. That all fees and commissions now allowed by law to the Clerk of the Circuit Court in said county be collected by him and paid over to the Treasurer of said county for the use of the general fund thereof.

Section 2. That the Clerk of the Circuit Court of Walker County, Alabama, after the passage and approval of this Act, shall be entitled to employ two clerks for his office, one of whom shall receive a salary of \$2100 per annum, and the other shall receive a salary of \$1800 per annum, both payable in twelve equal monthly installments out of the general fund of said county, upon a certificate from said Clerk of the Circuit Court that the said clerks so employed served and are entitled to the pay.

Section 3. That the Circuit Clerk of Walker County, with ex-officio duties as Clerk of County Court of Walker County be and is hereby made Clerk of the Juvenile and Domestic Relations Court of Walker County, who shall keep all records of said courts as now provided by law.

Section 4. That all laws or parts of laws in conflict herewith are hereby expressly repealed.

Approved July 18, 1947.

No. 159)

## AN ACT

(H. 331—Mitchell)

To amend Sections 1 and 4 of Act 250, House Bill 295, which became law on August 30, 1939, under Section 125 of the Constitution and which relate to the Creation of a Board of Revenue in and for Cherokee County, Alabama: providing for the nomination and election of members of the Board of Revenue by districts.

*Be it Enacted by the Legislature of Alabama:*

Sections 1 and 4 of Act 250, House Bill 295, which became law on August 30, 1939, under Section 125 of the Constitution and which relate to the creation of a Board of Revenue in and for Cherokee County, Alabama, are amended to read: "Section 1. There is created a Board of Revenue in and for Cherokee County, Alabama, which shall consist of four members, one to be nominated

and elected by the qualified electors of each district established by this Act. Each member of the Board of Revenue must be an elector and resident of the district from which he is elected."

"Section 4. Before the general election in November, 1948, and every four years thereafter, the electors of District One and District Three each shall nominate, by caucus, mass meetings, convention, other assembly, or primary election candidates for member of the Board of Revenue from the district. At the general election, the electors of District One and District Three each shall elect one member of the Board of Revenue. Before the general election in November, 1950, and every four years thereafter, the electors of District Two and District Four each shall nominate, by caucus, mass meeting, convention, other assembly, or primary election, candidates for member of the Board of Revenue from the district. At the general election, the electors of District Two and District Four each shall elect one member of the Board of Revenue. Each member of the Board of Revenue shall hold office for four years and until his successor is elected and qualified. The present members of the Board of Revenue representing District One, District Two, District Three, and District Four shall serve until their successors are elected and qualified as provided by this Section."

Approved July 22, 1947.

No. 160)

(H. 332—Mitchell

### AN ACT

To abolish the Law and Equity Court of Cherokee County, Alabama, making provision for the transfer of pending cases and causes.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The Law and Equity Court of Cherokee County, Alabama, is abolished.

Section 2. Every case and every cause pending in the Law and Equity Court of Cherokee County, together with the records, documents, and papers pertaining thereto, shall be transferred to the courts which have jurisdiction under the general laws of Alabama of the subject matter involved in the case or cause. The Clerk or Register of the Circuit Court of Cherokee County, in his capacity as Clerk or Register of the Law and Equity Court of Cherokee County, immediately after this Act takes effect, shall certify each case or cause, together with the records, documents, and papers pertaining thereto, to the proper court. It shall not be necessary, however, for the clerk or register to certify cases or causes transferred to the circuit court.

Section 3. Each such case or cause shall be docketed and proceed in the court to which it is transferred, and all costs accrued in

the Law and Equity Court of Cherokee County shall be charged and collected in the court to which the case or cause is transferred.

Section 4. This Act shall take effect upon its passage.

Approved July 22, 1947.

No. 161)

(H. 333—Mitchell

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AN ACT

To increase the salary of the Judge of Probate of Cherokee County, Alabama, because of extra duties imposed upon him by abolishment of the Law and Equity Court of Cherokee County.

*Be it Enacted by the Legislature of Alabama:*

Section 1. For the extra duties imposed on him incidental to the abolishment of the Law and Equity Court of Cherokee County, Alabama, the Judge of Probate of Cherokee County shall be paid fifty dollars (\$50) monthly in addition to all other compensation now provided by law.

Section 2. This Act shall take effect upon the abolishment of the Law and Equity Court of Cherokee County.

Approved July 22, 1947.

No. 162)

(H. 334—Mitchell

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AN ACT

To amend Section 2 of Act 162, approved June 17, 1943, which relates to salaries and allowances for certain officials and employees of Cherokee County.

*Be it Enacted by the Legislature of Alabama:*

Section 1. Section 2 of Act 162, approved June 17, 1943, which relates to salaries and allowances for certain officials and employees of Cherokee County, is amended to read: "Each of the officers named in Section 1 shall continue to collect all legal charges, fees, costs, compensations, and allowances authorized to be collected by them and deposit the same in the county treasury on the first Monday of each month thereafter. The county governing body is authorized and required to provide sufficient clerks, deputies, and assistants to the judge of probate, of his choice, who shall serve at his pleasure. The salary of each employee shall be fixed by the judge of probate, but the combined salaries of all employees shall not exceed eighteen hundred dollars (\$1800) per annum. The salary of each employee in the probate office shall be paid out of the general fund of the county in the same manner as salaries of other county employees are paid."

Section 2. This Act shall take effect upon the abolishment of the Law and Equity Court of Cherokee County.

Approved July 22, 1947.



No. 164)

(H. 418—Wood (Bibb)

## AN ACT

To authorize the Court of County Commissioners of Bibb County to provide the Sheriff of Bibb County an automobile for his official use.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The Court of County Commissioners of Bibb County is authorized to provide the Sheriff of Bibb County with one passenger automobile for use on official business. The automobile must be marked in such manner that it shall be known as the sheriff's official automobile, and it shall be used only for official business. The expense of upkeep, repair, operation and servicing of the automobile shall be borne by the sheriff personally.

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1947.

No. 168)

(H. 438—Adams (Jefferson),  
Dumas, Beatty, Gibson and  
Meeks.

## AN ACT

To further amend sections 2 and 7 of the act establishing the Intermediate Civil Court of Birmingham, approved September 7, 1935 (Local Acts of Alabama, page 219), as amended by the act approved June 24, 1943 (Local Acts of Alabama, page 141).

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Section 2 of the act establishing the Intermediate Civil Court of Birmingham, approved September 7, 1935 (Local Acts of Alabama, page 219), as amended by the Act approved June 24, 1943 (Local Acts of Alabama, page 141), be and the same is hereby further amended so as to read as follows: Section 2. That the court hereby established shall be a court of Record and have and exercise civil jurisdiction in all civil matters of which justices of the peace and inferior courts in lieu of justices of the peace have jurisdiction under the general laws of the state, concurrently with the several justices of the peace and inferior courts in Jefferson County, and, in addition thereto, the said court shall have jurisdiction concurrently with the circuit court in all civil cases where the amount in controversy exceeds the jurisdiction of justices of the peace but does not exceed the sum of Five Hundred Dollars (\$500.00), provided that the court shall not have jurisdiction of workman's Compensation cases, libel, slander, assault and battery, ejectment or actions in the nature of ejectment. Where the action is in detinue in which the plaintiff seeks

to recover on a chattel mortgage or a conditional sale contract, the amount in controversy shall for the purpose of determining jurisdiction be the balance of the mortgage debt or purchase price as the case may be or the value of the property in suit whichever may be less, and where the action is for forcible entry or unlawful detainer the amount in controversy shall for the purpose of determining jurisdiction be the amount of damages claimed. The court shall have jurisdiction of proceedings for discovery of assets of judgment debtors and shall exercise such jurisdiction in the same manner and according to the same procedure and with the same powers as is provided by law with respect to civil judgments in circuit courts.

Section 2. That Section 7 of the act establishing the Intermediate Civil Court of Birmingham, approved September 7, 1935 (Local Acts of Alabama, page 219), as amended by the act approved June 24, 1943 (Local Acts of Alabama, page 141), be and the same is hereby further amended so as to read as follows: Section 7. That the judge of said court shall receive an annual salary of Six Thousand and Five Hundred Dollars (\$6500.00), payable in equal monthly installments out of the County treasury of Jefferson County. The judge of said court shall not during his tenure of office practice law in any of the courts of this state or of the United States, but he shall be eligible to serve without compensation as special judge of the Circuit Court or of any other inferior court when appointed thereto by proper authority.

Approved July 22, 1947.

No. 169)

(H. 440—Adams (Jefferson),  
Dumas, Meeks, Beatty,  
Gibson.

#### AN ACT

To regulate the Municipal Court of Birmingham (Third Division); to alter the name of the said Court; to fix the return dates of executions issued therefrom; to provide for continuance of cases therein to allow time for answering by defendant as now or may be hereafter provided by law; to provide for appointment and compensation of temporary judges therefor; to provide for vacations for the regular judge of said Court; to fix the salary of the regular judge of said Court and regulate the payment thereof; and to prescribe the duties of the clerk of the said Court and of other officers with respect to the said Court.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That hereafter the name of the said Court is and shall be: Municipal Court of Birmingham.

Section 2. That it shall be the duty of the clerk of the Municipal Court of Birmingham to issue executions on all judgments rendered in said Court, after five days from the entry

thereof, and place the same in the hands of a constable or sheriff of Jefferson County who shall return such execution within sixty days thereafter, said return to show that he has collected said judgment and has paid the same or the amount collected, or is unable to find property of the person against whom said process issued out of which said execution can be satisfied in whole or in part.

Section 3. That whenever the return date shown on any writ issued from said Court shall fail to allow the time now or hereafter provided by law from the date of service for the person upon whom writ is served, to answer, a dismissal of said writ shall not be required and the judge of the said Court may continue the cause for a period not less than shall be necessary for such person to have such time to answer as is now or may hereafter be provided by law.

Section 4. That the judge of the said Court shall be entitled to thirty days' vacation each year with pay.

Section 5. That if the Judge of the said Court shall be unable to discharge the duties of his office by reason of sickness, disqualification, or inability to hold Court, or shall be on vacation as provided in Section 4 hereof, it shall be the duty of the presiding Judge of the Tenth Judicial Circuit to appoint a practicing attorney, resident of the City of Birmingham, as special judge, who shall perform all the duties of the judge of the said Court during such illness, disqualification, inability or vacation of said judge, which said special judge shall receive the same compensation as the regular judge of said Court.

Section 6. That under the circumstances set forth in Section 5 hereof, or whenever the docket of the said Court shall become so congested that in the opinion of the presiding judge of the Tenth Judicial Circuit additional help is needed, the said presiding judge may at his election assign the judge of any other inferior court of the County for the trial of cases therein in which event such judge shall receive no additional compensation by reason of such assignment.

Section 7. That the salary of the regular judge of the said Court is hereby fixed at Five Thousand Dollars, (\$5,000.00) per annum and shall be paid to him out of the treasury of Jefferson County in equal monthly installments.

Section 8. That should any clause, sentence, paragraph, part or section of this act be invalid, such invalidity shall not affect, impair or invalidate the remainder of this act.

Section 9. That all laws, general, local and special in conflict herewith are hereby repealed insofar as they conflict herewith.

Section 10. That this act shall become effective on the date of its approval by the Governor.

Approved July 22, 1947.

No. 170)

(H. 445—George

## AN ACT

To provide for the payment of a mileage allowance to the Chief Deputy Sheriff of Randolph County in addition to a salary.

*Be it Enacted by the Legislature of Alabama:*

Section 1. In the event the Chief Deputy Sheriff of Randolph County furnishes his own automobile for traveling in the performance of his official duties, he shall receive from the county mileage at the rate of five cents for each mile traveled; but mileage shall not be allowed in excess of seventy-five dollars for any month. The mileage allowance shall be in addition to the annual salary of the Chief Deputy Sheriff, which shall be fixed by the governing body of the County at not less than one thousand eight hundred dollars nor more than two thousand four hundred dollars, payable in equal monthly installments by the County.

Approved July 22, 1947.

No. 171)

(H. 447—George

## AN ACT

To amend Section 1 of an Act approved July 10, 1940, entitled, "An Act To allow the Sheriff of Randolph County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Randolph County, Alabama, in monthly installments, and to require said deputy to give bond in the sum of two thousand dollars payable to the Sheriff, with conditions as required by Section 2595 of the Code of Alabama, 1923".

*Be it Enacted by the Legislature of Alabama:*

Section 1 of an act approved July 10, 1940, entitled, "An Act To allow the Sheriff of Randolph County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Randolph County, Alabama, in monthly installments, and to require said deputy to give bond in the sum of two thousand dollars payable to the Sheriff, with conditions as required by Section 2595 of the Code of Alabama, 1923", is amended to read as follows: "The Sheriff of Randolph County is authorized to appoint a deputy sheriff, in addition to the chief deputy sheriff now provided for by law, whose annual salary shall be fixed by the governing body of the County at not less than one thousand eight hundred dollars nor more than two thousand four hundred dollars, payable in equal monthly installments by the county. The appointee shall hold office at the pleasure of the sheriff."

Approved July 22, 1947.

No. 172)

(H. 479—Sullivan, Johnston,  
Stone

## AN ACT

For the relief of Mrs. Clifford Horn, of Bayou La Batre, Mobile County, Alabama, and to authorize the Board of Revenue and Road Commissioners of Mobile County, Alabama, to compensate the said Mrs. Clifford Horn for damages suffered by her when she was permanently injured as a result of her automobile falling into a washed out bridge between Bayou La Batre and Grand Bay, both in Mobile County, Alabama, on the night of, to-wit, March 29th, 1946, breaking her leg, bruising her knee and left leg, lacerating her hip and chin, and causing her to be put to great expense in and about her treatment.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Board of Revenue and Road Commissioners of Mobile County, Alabama, be and is hereby authorized to pass upon, allow and pay the claim of Mrs. Clifford Horn against the said Board of Revenue and Road Commissioners of Mobile County, Alabama, on account of damage suffered by her when the automobile in which she was riding on the night of March 29th, 1946, ran into a washed out bridge on the County Road between Bayou La Batre and Grand Bay, Mobile County, Alabama, breaking her leg, bruising her knee and left leg, and lacerating her right hip and chin, permanently injuring her and causing her to be put to great expense in and about her treatment and cure.

Section 2. The amount allowed on account of said claim shall not exceed \$2,000.00.

Approved July 22, 1947.

No. 173)

(S. 246—A. L. Patterson

## AN ACT

For the relief of M. M. Mathis, Russell County, Alabama: authorizing and directing the Russell County governing body to pay M. M. Mathis one hundred and fifty dollars for the loss of his mule, killed during 1946 by county road machinery in performance of county functions.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The governing body of Russell County, Alabama, is authorized and directed to pay M. M. Mathis, Russell County, the sum of one hundred and fifty dollars, to compensate him for the loss of his mule, killed during 1946 by county road machinery in the performance of county functions.

Section 2. Payment shall be made by warrant of the chairman of the county governing body drawn upon the fund of the county in which are placed the gasoline tax receipts collected by the State and paid over to the county for the construction and maintenance of public roads.

Section 3. This act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1947.

No. 182)

(H. 372—Adams (Jefferson),  
Beatty, Dumas, Gibson, Kaul,  
Meeks, Sadler.

### AN ACT

Relating to sentences imposed by the Recorder's Court of Birmingham, Alabama; and, without limiting the generality of the foregoing, to provide for the suspension of execution, the execution after suspension, and the remission of, such sentences or any part thereof.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The Recorder's Court of Birmingham, Alabama, may, by or through the judge by or through whom such court acted in imposing such sentence, or, in case of absence of such judge from the jurisdiction or his separation from office, by the chief or principal judge of such court, or in case there be no such chief or principal judge, by any judge of such court, suspend the execution of such sentence, or any part or parcel thereof, either contemporaneously with the imposition of such sentence or at any time thereafter, for a period of time not exceeding one year from date of the order of suspension. The execution of any sentence or part of sentence so suspended may be further suspended from time to time, but the total period of suspension shall not extend beyond three years from the date of judgment of conviction.

Section 2. After imposition and suspension of the execution of any such sentence such court, acting by or through a judge circumstanced as provided in section 1 hereof, may, at any time during said period of suspension, order such sentence, or the unperformed or unexecuted portion thereof, carried into execution, or order such sentence, or any unperformed or unexecuted part or parcel thereof, remitted.

Section 2a. A defendant whose suspension of execution of sentence is revoked in accordance with Section 2 of this Act shall have the right within five days after notice of the revocation of the suspension to perfect an appeal from the original judgment of conviction.

Section 3. This Act shall take effect upon its passage.

Approved July 22, 1947.

No. 183)

(H. 236—Wood (Washington))

## AN ACT

To amend Section 2 of Act 216, approved May 28, 1931, entitled, "An Act To Preserve the commissioners districts of Washington County as now fixed by law, or as may be hereafter prescribed; to make the commissioners now holding office in each district and the Judge of Probate of said county a board of road supervisors in addition to their duties as a court of county commissioners, to prescribe their duties and fix their salaries, to repeal an act approved August 20, 1927, of the local acts of 1927 on page 234 thereof," by increasing the automobile allowance of the commissioners.

*Be it Enacted by the Legislature of Alabama:*

Section 2 of Act 216, approved May 28, 1931, which relates to the court of commissioners and the board of road supervisors of Washington County, is amended to read: "The commissioners from each of the districts and the judge of probate of the county, in addition to their duties as a court of county commissioners, shall constitute a board of road supervisors. As a supervisor, each commissioner shall receive, in addition to the per diem and mileage provided by law for county commissioners, the additional sum of seventy-five dollars per month, and also an additional sum of seventy-five dollars per month for the use of his personally owned automobile, provided he uses the same in the discharge of his duties as road supervisor. The judge of probate shall receive for his services as a member of the board of supervisors, in addition to the per diem provided by law for county commissioners, the additional sum of fifty dollars per month, which shall be in lieu of the allowance for ex officio road services provided for by Section 28 of Title 11 of the 1940 Code. The allowances provided for herein shall be paid out of the treasury of the county by warrants drawn by the judge of probate on order of the court of commissioners."

Approved July 24, 1947.

No. 184)

(H. 464—Lovelace)

## AN ACT

To authorize and empower the Clerk of the Circuit Court of Escambia County, Alabama, to act as magistrate in taking affidavits for warrants for the arrest of persons charged with crimes in that county and to issue warrants of arrest based thereon, such warrants of arrest to be returnable to the Courts in said County having jurisdiction of the offense; to fix the fees for taking such affidavits, issuing such warrants and acting as such magistrate, and to provide that the same shall be taxed and collected as part of the costs in the case.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Clerk of the Circuit Court of Escambia County, Alabama, is hereby authorized and empowered to act as magistrate in taking affidavits for warrants for the arrest of persons

charged with the commission of crimes in said County, either misdemeanors or felonies, and to issue warrants of arrest based thereon, such warrants of arrest in cases of misdemeanors to be returnable to the County Court of said County, or to a Court of like jurisdiction therein, and in case of felonies the same to be returnable to the Circuit Court of said County or before a grand jury organized by said Circuit Court.

Section 2. That, as compensation for his services in taking affidavits for warrants and issuing warrants of arrest based thereon, and acting as committing magistrate, the Clerk of the Circuit Court of Escambia County shall be entitled to the same fees and costs as now provided for Justices of the Peace in criminal cases, such fees to be taxed and collected as part of the costs in the case.

Section 3. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Section 4. This Act is hereby declared to be severable and if any section, paragraph, subdivision, sentence or clause shall be determined by any court of competent jurisdiction to be invalid, for any reason, such determination of invalidity shall not in any manner affect any other portion or part of this Act.

Section 5. That this Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 24, 1947.

No. 185)

(H. 498—Bennett

### AN ACT

To Place the Sheriff of Calhoun County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Calhoun County, Alabama; to provide deputies, clerks, guards, and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Calhoun County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the salary or compensation of the Sheriff of Calhoun County, Alabama, shall be Six Thousand Dollars (\$6,000.00) per annum, and the said Six Thousand Dollars (\$6,000.00) annual salary or compensation shall be paid out of the County Treasury of Calhoun County, Alabama, in equal monthly installments at the end of each month upon warrants drawn in the same manner as other officers and employees of Calhoun County, Alabama.

Section 2. That when this Act goes into effect said Sheriff of Calhoun County shall continue to collect all charges, fees, compensation



and allowances heretofore or hereafter authorized to be collected by him, including all monies for feeding prisoners, and shall during the last five (5) days of each calendar month pay into the County Treasury of Calhoun County, Alabama all such monies received or collected by him during the month, or part thereof, next preceding the date of such settlement or payment.

Section 3. The Sheriff of Calhoun County, Alabama, may, after the effective date of this Act, employ the following assistants at the following rate of compensation: (1) Chief Deputy Sheriff, to receive Three Thousand Dollars (\$3,000.00) per annum; One (1) Civil and Criminal Deputy Sheriff, to receive Twenty Four Hundred Dollars (\$2400.00) per annum; Three (3) Civil and Criminal Deputy Sheriffs, to receive Eighteen Hundred Dollars (\$1800.00) per annum each; One (1) Bookkeeper and office employee to receive Eighteen Hundred Dollars (\$1800.00) per annum; Three (3) Jailers to receive Twelve Hundred Dollars (\$1200.00) per annum each; One (1) Cook to receive Seven Hundred Twenty Dollars (\$720.00) per annum. Each of the foregoing assistants shall receive their compensation in equal monthly installments upon warrants drawn in the same manner as other employees of Calhoun County, Alabama.

Section 4. The governing body of Calhoun County, Alabama, shall supply to the Sheriff of Calhoun County, Alabama all necessary equipment and supplies, including four (4) automobiles and motor fuel for the operation of said automobiles, and accessories, upon the written requisition of said officer.

Section 5. All laws, or parts of laws, both general and local, as applied to Calhoun County, Alabama, in conflict with the provisions of this Act, be, and the same are hereby repealed.

Section 6. The provisions of this Act shall take effect on the first day of October next succeeding its passage and approval by the Governor, and that all laws or parts of laws in conflict herewith are hereby repealed, insofar as they apply to Calhoun County, Alabama.

Approved July 24, 1947.

No. 186)

(H. 499—Bennett

#### AN ACT

To Create a Purchasing Agent for Calhoun County, Alabama, to be composed of the Chairman of the Calhoun County Commission of said County, whose duty shall be to purchase books, stationery, blanks, machinery, supplies, materials, appliances and equipment for the several county officers, jails, court houses and other public buildings of said county under the supervision and control of the Calhoun County Commission; also the public roads and bridges of said County, and to define the powers and duties of said Purchasing Agent, and to fix his salary.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That there be and there is hereby created a Purchasing Agent for Calhoun County, Alabama, consisting of the Chairman of

the County Commission of Calhoun County, Alabama. The duties of said Purchasing Agent shall be to purchase for the county officials, the county offices, and every department of the county, all books, stationery, supplies, office equipment, printing and printed matter, blanks, forms, machinery, equipment, including road equipment, and machinery, tools and material and supplies for the court houses, jails, and bridges, and that it shall be the duty of said Purchasing Agent to purchase the same at the best prices obtainable, receiving competitive bids therefor when practicable.

Section 2. That such books, stationery, supplies, office equipment, printing and printed matter, blanks, forms, machinery, equipment, including road equipment and machinery, tools and material, and material and supplies for the court houses, jails and bridges, shall be furnished only upon written requisition setting forth the articles needed and signed by the officer for whose office said articles are requested, and thereupon said Purchasing Agent shall make inquiry and ascertain whether the articles are necessary before purchasing the same, and all invoices of such purchases, with said requisition attached, shall be kept on file in the office of the Chairman of the County Commission of said County, in alphabetical order as a permanent record subject to inspection by the public at all reasonable times.

Section 3. That the term of office of the Chairman of the Calhoun County Commission as such Purchasing Agent, shall be the same as his term of office as Chairman of the Calhoun County Commission. He shall receive as compensation for his services an annual salary of \$1800.00, payable in twelve monthly installments of \$150.00. Said salary shall be payable out of the county treasury of said county, as provided by law for the payment of salaries out of the funds of said county.

Section 4. The Calhoun County Commission of said County shall require the officers so obtaining such articles to be responsible for the same and to deliver the unused portion thereof to their successors in office.

Section 5. All laws or parts of laws in conflict herewith are hereby repealed, insofar as they apply to Calhoun County, Alabama.

Section 6. The provisions of this Act shall take effect immediately upon its passage and approval by the Governor.

Approved July 24, 1947.

No. 187)

(H. 500—Bennett

#### AN ACT

To Provide for a Deputy Clerk of the Circuit Court of Calhoun County, and to fix his powers, duties and compensation.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Clerk of the Circuit Court of Calhoun County

be, and he is hereby authorized to employ a deputy clerk, and said deputy clerk is given the same rights, duties and powers as those possessed by the Circuit Clerk.

Section 2. The salary of the said Deputy Clerk shall be \$175.00 per month, payable out of the county treasury of Calhoun County.

Section 3. This Act shall take effect upon its passage and approval by the Governor, and shall terminate at the end of the present term of office of the Clerk of the Circuit Court of Calhoun County.

Approved July 24, 1947.

No. 188.)

(H. 513—Adams (Jefferson), Gibson,  
Sadler, Dumas, Beatty &  
Meeks.

### AN ACT

TO ALTER AND EXTEND THE BOUNDARIES OF THE CITY OF BIRMINGHAM, TO PROVIDE FOR AN ELECTION TO SUBMIT TO THE QUALIFIED VOTERS OF THE TERRITORY TO BE ANNEXED TO SAID CITY OF BIRMINGHAM FOR THEIR APPROVAL OR REJECTION OF SUCH ALTERATIONS AND EXTENSION.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the boundaries of the City of Birmingham, in the County of Jefferson, State of Alabama, are, subject to the other provisions hereof, hereby altered and extended so that said boundaries shall include within the corporate limits of said City all of the following described additional property not presently located in said City, to-wit: A part of Sections 1, 2, 11, and 12, Township 17 South Range 2 West, described as follows: Begin at the NW corner of the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Sec. 2 Tp 17 R 2-W, thence south along western boundary line of said section to a point where the City Limits of the City of Birmingham intersects, thence in a southeasterly direction along the said City Limits to the center of section 12 Tp 17 R 2-W, thence in a northerly direction along the center north and south line of section 12 to the south boundary line of section 1 township 17 Range 2-West, thence in an easterly direction along south boundary line of section 1 township 17 Range 2-West to the SW corner of the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 1 Township 17 Range 2-West, thence along the quarter section line to the SW Corner of SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , thence in a westerly direction along the East and West center line of section 1 township 17 Range 2-West, to where the said line intersects the County Road being approximately NW corner of the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 1 Township 17 Range 2-West, thence in a northerly direction along said 40 acre line to the north line of section 1 township 17 Range 2-West, thence in a westerly direction along north boundary line of section 1 Township 17 Range 2-West

to the NW corner of Section 2 Township 17 Range 2-West, thence in a southerly direction along East boundary line of section 2 Township 17 Range 2-West to NE corner of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , thence westerly along said 40 acre line to NW CORNER of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , thence in a southerly direction along quarter section line to SW corner of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , thence in a westerly direction along the east and west center line of Section 2 Township 17 Range 2-West to point of beginning.

Section 2. Upon the filing of a copy of a resolution of the Commission of the City of Birmingham and a petition signed by 25 per cent of the qualified voters in the territory described in Section 1 of this Act and proposed to be annexed to the City of Birmingham with the Judge of Probate of Jefferson County, Alabama, such Judge of Probate shall make and enter an order upon the minutes of said court, directing and ordering an election to be held by the qualified voters residing within the territory described, which is to be annexed to said City, said election to be held within forty days from the entry of said order. Said election shall be held to determine whether or not a majority of the voters residing within the territory above described to be annexed to said City favor the annexation to said City of said territory above described. Said Judge shall give notice of the holding of said election by posting notices at three public places in the part of said territory annexed to said City by this Act, which notices shall state the date on which said election is to be held, the voting place or places designated by the Chairman of the Board of Registrars of said county, the boundaries within which voters must reside to vote at the respective voting places, which must be within the territory annexed to said City by this Act, and said notices must give a description of the territory so annexed, and must state that a map of said territory is on file in the office of the Judge of Probate of said county, open to the inspection of the public.

Section 3. The Chairman of the Board of Registrars of said county may designate as many places within the territory hereby annexed to said City as he may deem necessary for the convenience of the voters and must designate the boundaries within which the voters must reside to vote at the respective voting places, and the Election Commission of Jefferson County shall appoint three inspectors of election, two clerks and one returning officer for each voting place, which inspectors shall manage the election at the respective voting places at which they are appointed as inspectors.

Section 4. Each qualified voter who has resided within the boundaries of the territory hereby annexed to said city for three months next preceding the election may vote at said election, but must vote at the voting place designated by the Chairman of the Board of Registrars for voters in the territory in which he resides.

Section 5. Said election must be conducted in all respects as provided by the general election laws and under the same sanction and penalties, except as changed by the provisions of this Act, and except that an official ballot need not be provided. There shall be no voting by absentee ballot.

Section 6. Each voter may furnish his own ballot with the following words written or printed thereon: "For annexation," if he desires to vote in favor of annexing the territory to the City, or "Against annexation" if he desires to vote against annexing the territory to the City. It shall not be necessary for the ballot to be of any particular size, form or color.

Section 7. The inspectors at the respective voting places must, as soon as the polls are closed, ascertain and certify the results of the election at their respective voting places to the Judge of Probate, and deliver the same to the returning officer, who must at once return the same to the Judge of Probate, and said Judge must canvass the returns as made by the inspectors, and if it appears that a majority of the votes cast at the election were "for annexation" said Judge shall make and enter an order on the records of said Probate Court recording such fact, and from the time of the entry of such order this Act shall be fully effective and the boundaries of said City of Birmingham shall be as above set forth. If it appears that a majority of the votes cast at the election are "Against Annexation" the Judge of Probate shall make and enter an order on the records of said Court recording such fact, and this act shall not be effective, and the boundaries of said City shall be and remain as they were before the passage of this Act.

Section 8. The result of such election may be contested by any qualified elector voting at the election under the same provisions as are provided by general law for contesting the election of a Justice of the Peace, making the City the contestee. The City of Birmingham shall pay all costs and expenses incident to the election.

Section 9. The Probate Judge shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them, as they are authorized by law to charge and collect for similar services rendered by them, and said City of Birmingham shall pay all costs and expenses, except in the case of a contest as herein provided.

Section 10. That this Act shall become effective immediately upon its passage or approval by the Governor, or its otherwise becoming a law.

Approved July 22, 1947.

No. 189)

(H. 514—Adams, (Jefferson), Beatty,  
Meeks, Dumas, Gibson, Kaul, Sadler

## AN ACT

For the relief of Ruth E. Pugh and to authorize and direct the City of Birmingham to pay to said Ruth E. Pugh \$2,500 for injuries received when she was struck by a City of Birmingham fire truck.

*Be it Enacted by the Legislature of Alabama:*

1. That the Birmingham City Commission is hereby authorized and directed to pay to Ruth E. Pugh the sum of \$2,500 for permanent and visible personal injuries more particularly described as follows: On the 10th day of February, 1945, Mrs. Ruth E. Pugh, who has four small children, was seriously injured when a fire truck, which was being operated by employees of the City of Birmingham in answering a fire call, ran upon the side-walk near 5th Avenue North and 22nd Street North in the City of Birmingham, where she was walking and where pedestrians customarily walk, and knocked and pinned her against the front of a store building, deeply lacerated her left leg almost its full length, broke a bone of her left leg, lacerated her right leg and lacerated other parts of the body, which rendered her unconscious and caused her to suffer great physical pain for more than two months in the Hillman hospital where she lingered between life and death; and, which injuries are still causing her pain and suffering; and, said injuries left ugly, permanent scars plainly observable over practically the whole length of her leg which will remain with her through life. The said sum of money, as aforesaid, is to be paid to the said Mrs. Ruth E. Pugh out of such moneys as may be constitutionally available.

2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved July 24, 1947.

No. 190)

(H. 515—Dumas, Beatty, Sadler,  
Kaul, Meeks, Adams (Jefferson)

## AN ACT

For the relief of Luther Tolson Donaldson, a minor twelve years of age, in the sum of \$2,200.00, in that on, to-wit, July 12, 1945, a duly authorized agent, servant, or employee of Jefferson County, Alabama, negligently drove a tractor into the said Luther Tolson Donaldson, a minor twelve years of age, and permently and painfully injured him, at or near a point, to-wit, one half mile west of Price's Store, on the Glenwood Road, between Morris and Crosston, Jefferson County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the County Commission of Jefferson County, Alabama, is hereby authorized and directed to draw, or cause to be

drawn, a warrant on the Treasurer of Jefferson County, Alabama, payable to Luther Tolson Donaldson, a minor twelve years of age, or his duly and legally appointed guardian, for the sum of \$2,200.00 to compensate him for personal injuries sustained as a direct and proximate consequence of the negligence of an agent, servant or employee of Jefferson County, Alabama, while acting within the line and scope of his employment as such, in negligently driving a tractor which was owned by Jefferson County, Alabama, into, upon or against the person of the said Luther Tolson Donaldson, a minor twelve years of age, and seriously and permanently injuring him, said sum of \$2,200.00 being for the purpose of compensating him for his said injuries, and the Treasurer of Jefferson County, Alabama, is hereby directed to pay such warrant to the said Luther Tolson Donaldson, a minor twelve years of age, or his duly and legally appointed guardian, out of such funds not otherwise appropriated.

Section 2. That this act shall become effective immediately upon its passage or approval by the Governor, or its otherwise becoming a law.

Approved July 24, 1947.

No. 191)

(H. 516—Dumas, Beatty, Sadler,  
Meeks, Kaul, Adams (Jefferson))

### AN ACT

For the relief of Luther L. Donaldson, in the sum of \$300.00, covering actual loss and expense sustained by him as a proximate consequence of the negligence of an agent, servant or employee of Jefferson County, Alabama, while acting within the line and scope of his employment, in negligently driving a tractor into Luther L. Donaldson's minor son, Luther Tolson Donaldson, also into the automobile of Luther L. Donaldson on, to-wit, July 12, 1945, in Jefferson County, Alabama, about one mile west of Price's Store, on the Glenwood Road between Morris and Crosston, said sum covering actual damages to Luther L. Donaldson's said automobile, and actual expense sustained by him as a proximate consequence of medical expenses to his said minor son, as aforesaid, loss of time from his work as a proximate consequence thereof, and damages to his said automobile.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the County Commission of Jefferson County, Alabama, is hereby authorized and directed to draw, or cause to be drawn, a warrant on the Treasurer of Jefferson County, Alabama, in favor of Luther L. Donaldson in the sum of \$300.00, covering actual loss and expense sustained by the said Luther L. Donaldson as a direct and proximate consequence of the negligence of an agent, servant or employee of Jefferson County, Alabama, while acting within the line and scope of his employment as such, in negligently driving a tractor into, upon or against the automobile of the said Luther L. Donaldson, and thereby damaging same; also injuring Luther Tolson Donaldson, the

minor son of Luther L. Donaldson; said sum of \$300.00 being the amount of the actual loss sustained by reason of medical expenses and loss of time from work, due to said injuries received by the said minor son of the said Luther L. Donaldson, and damage to the said Luther L. Donaldson's automobile, and the Treasurer of Jefferson County, Alabama, is hereby directed to pay such warrant out of such funds not otherwise appropriated.

Section 2. That this act shall become effective immediately upon its passage or approval by the Governor, or its otherwise becoming a law.

Approved July 24, 1947.

No. 193)

(H. 564—Inzer

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### AN ACT

To repeal Act 259, approved June 28, 1945, entitled "An Act To authorize and empower the Court of County Commissioners of St. Clair County, Alabama, to expend County Funds not exceeding \$5,000.00 per annum for purposes not otherwise provided for by law."

*Be it Enacted by the Legislature of Alabama:*

Section 1. Act 259, approved June 28, 1945, entitled "An Act To authorize and empower the Court of County Commissioners of St. Clair County, Alabama, to expend County Funds not exceeding \$5,000.00 per annum for purposes not otherwise provided for by law", is repealed.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 24, 1947.

No. 194)

(H. 568—Buckner

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### AN ACT

To promote and improve in Cullman County, Alabama, the enforcement of the criminal laws of the State of Alabama, by requiring the County Solicitor of Cullman County to represent the State of Alabama in all misdemeanor cases before any Magistrate of Cullman County, having county wide criminal jurisdiction, to fix his compensation for the performance of such additional duties and provide the mode of making claim, fixing the status of such claim and the manner of payment of such compensation.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That as an additional duty to all the duties now required by law of the County Solicitor of Cullman County, it shall be the duty of such Solicitor, from the date of the passage and approval of this Act, to represent the State of Alabama in all misdemeanor cases before all Magistrates of Cullman County, Alabama, having county wide criminal jurisdiction.



Section 2. For the performance of such additional duties herein required and placed upon said County Solicitor, the County Solicitor of Cullman County, Alabama, shall receive six hundred dollars per year, to be paid out of the general fund of said county, in twelve equal installments, in the same manner as the salary of said County Solicitor of Cullman County, Alabama, is now paid. Proof of such compensation herein provided for shall be made against the County of Cullman as other claims are made, allowed and paid, except that same shall be a preferred claim against the general revenues of the county.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved July 24, 1947.

No. 195)

(H. 572—Tucker and Gillis

### AN ACT

To create and establish an inferior court in Clarke County, Alabama to be known as the Inferior Court of Clarke County; to define its jurisdiction; to fix its terms; to provide for its officers; to define their powers, duties and authority; to fix their compensation; and to provide for the rules of procedure and the operation of said court.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That there is hereby created and established an inferior court in Clarke County, Alabama, to be known as the Inferior Court of Clarke County, which said court shall have and exercise the jurisdiction hereinafter provided.

Section 2. That the Inferior Court of Clarke County shall have original jurisdiction, concurrent with the circuit court of Clarke County, of all misdemeanors committed in Clarke County; preliminary jurisdiction of all felonies, concurrent with the several justice of the peace courts in said county, committed in Clarke County; and all other jurisdiction which is now or which may hereafter be conferred by general law upon the county courts of this State.

Section 3. That a term of the Inferior Court of Clarke County, for the trial of misdemeanors, shall be held on the first Monday of every week, or on such other day of every week as the judge of said court may designate, at the court house of the county, and may continue until the business of the court is disposed of. Said court shall be open, at the discretion of the judge thereof, any day during the week, except Sunday, for the trial of offenses coming within its jurisdiction, in all cases where the party or parties charged cannot give bond and security for their appearance at the regular terms of said court or desire an immediate trial; and, in such cases, causes may be con-

tinued for good cause shown under the regulations governing the continuance of causes in county courts; but nothing herein contained shall be so construed as to prevent or interfere with the regular terms of said court.

Section 4. That the judge of probate of Clarke County shall be ex-officio judge of the Inferior Court of Clarke County, and the clerk of the circuit court of Clarke County shall be ex-officio clerk of the Inferior Court of Clarke County. The judge and the clerk of the Inferior Court of Clarke County shall have all of the duties, powers and authority which are now or which may hereafter be conferred by general law upon the judges and clerks of the county courts of the State. The sheriff of Clarke County shall, in person or by deputy, attend upon the Inferior Court of Clarke County, preserve order, execute all writs of process issued therefrom, and perform such other duties as he is required by law to perform in the circuit court of Clarke County.

Section 5. That the judge of the Inferior Court of Clarke County shall receive an annual salary of \$2,400.00, payable in equal monthly installments out of the county treasury on his warrant; and such salary shall be the only compensation allowed to the judge of said court for services rendered in and about such court.

Section 6. That the clerk of the Inferior Court of Clarke County shall receive as compensation for his services in said court, the same costs, fees, and compensation as are now allowed by law to clerks of county courts in criminal cases, which costs, fees, and compensation shall be paid in like manner; and, in addition thereto, he shall receive an annual salary of \$300.00, payable in equal monthly installments out of the county treasury on the warrant of the judge of said court.

Section 7. That the sheriff of Clarke County shall receive the sum of \$2.00 per day for attendance upon the Inferior Court of Clarke County, payable out of the county treasury on the warrant of the judge of said court, and for other services rendered by him, other than attendance upon said court, he shall receive the same costs, fees, and compensation as are allowed by law for similar services performed by sheriffs in the county courts of this State, which costs, fees and compensation shall be paid in like manner.

Section 8. That the Inferior Court of Clarke County shall be governed by the same rules of procedure as govern the county courts of this State; and all laws pertaining to the operation of the county courts of this State, not in conflict with the provisions of this Act, shall pertain to the operation of the Inferior Court of Clarke County.

Section 9. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 10. That this Act shall become effective on the first day of the month following the month in which it is passed and approved by the Governor or otherwise becomes a law.

Approved July 24, 1947.

No. 196)

(H. 573—Tucker and Gillis

## AN ACT

To abolish the county court in Clarke County, Alabama; to provide for the transfer of all causes pending in said court to the inferior court of Clarke County; and to provide for the disposition of all unsatisfied judgments, executions, and forfeitures in said court.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the county court in Clarke County, Alabama, be and the same is hereby abolished.

Section 2. That all causes now pending and undisposed of in said court, together with all papers and documents relating to said causes, including affidavits and warrants of arrest, shall be immediately transferred to the inferior court of Clarke County for its consideration and action.

Section 3. That all unsatisfied judgments, executions, and forfeitures in said court shall be enforced and returns thereof made to the inferior court of Clarke County in the same manner and with the same force and effect as if said judgments, executions, or forfeitures had been originally entered by or issued from the inferior court of Clarke County.

Section 4. That immediately after the effective date of this Act the judge of said court shall certify to the inferior court of Clarke County, all causes pending and undisposed of in said court and all unsatisfied judgments, executions, and forfeitures in said court, together with all papers and documents relating thereto, including affidavits and warrants of arrest.

Section 5. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 6. That this Act shall become effective on the last day of the month in which it is passed and approved by the Governor or otherwise becomes a law.

Approved July 24, 1947.

No. 198)

(H. 586—White (Covington)

## AN ACT

To provide for advance payment out of the fine and forfeiture fund of Covington County, Alabama, after registration, of certain officers' claims and witness certificates for attendance before the grand jury and the Circuit Court of Covington county; to provide for the reimbursement of said fund when the Clerk of the Circuit Court receives payment of such paid claims and certificates; and to prescribe the duties of the Clerk of the Circuit Court and of the custodian of the fine and forfeiture fund with respect to the payments herein authorized.

*Be it Enacted by the Legislature of Alabama:*

Section 1. WITNESS ATTENDANCE CERTIFICATES:  
That all witness attendance certificates hereafter issued for attendance

before the Circuit Court of Covington County, Alabama, and before the grand jury of said county, which are lawfully payable under the general laws of Alabama out of the fine and forfeiture fund, shall be paid immediately on registration as provided by law applicable to Covington county; provided, however, that such payments shall be limited as hereafter appears.

Section 2. OFFICERS' CLAIMS: That all officers' claims against the fine and forfeiture fund of Covington county for services hereafter performed and authorized to be paid under the general laws of Alabama from said fund shall be paid therefrom immediately after the performance of the duties which support the claim and after registration as provided by law, but such payments shall also be limited as hereinafter provided.

Section 3. DUTY OF THE CUSTODIAN AND THE CIRCUIT CLERK: That it shall be the duty of the Treasurer or custodian of the fine and forfeiture fund to keep the Circuit Clerk informed as to all of such payments herein authorized, and it shall be the duty of the Circuit Clerk to ascertain all such payments, to the end that the fine and forfeiture fund may be reimbursed as hereinafter provided.

Section 4. REIMBURSEMENT: When the Circuit Clerk shall have received from the State of Alabama, or otherwise, payment in whole or in part of such paid witness certificates and officers' claims, he shall pay to the Treasurer or lawful custodian of such fine and forfeiture fund the amount so received, to the end that said fund may be reimbursed in whole or in part for such anticipated payments.

Section 5. PAYMENTS LIMITED: Provided, however, that payments herein authorized shall not be made when the balance in said fine and forfeiture fund shall have reached \$2000.00 or below, or if a presented claim will reduce the said fund to \$2000.00 or below, and in such event this act shall become inoperative until such time as the balance shall exceed the sum of \$2000.00.

Section 6. INVALID PROVISIONS HEREOF: If any section or provision hereof shall be declared unconstitutional, such invalidity shall not affect or impair the remaining valid provisions.

Section 7. EFFECTIVE DATE: This act shall become effective immediately on its passage and approval as required by law.

Approved July 24, 1947.

No. 199)

(H. 603—Broadwater

### AN ACT

To create and establish in Limestone County, in lieu of the existing court created by Act No. 362, approved July 6, 1931, and amendments thereto, a court of record with county-wide limited jurisdiction of criminal cases and of civil actions at law and in equity, providing it with officers, regulating its procedure, and fixing the costs and charges collectible therein.

*Be it Enacted by the Legislature of Alabama:*

Section 1. *County Court Created.* There is hereby established in Limestone County a court of record, which shall have county-wide limited jurisdiction of criminal cases and of civil actions at law and in equity. The court shall be known as, "The Limestone County Court." It shall be in lieu of the court created and established by Act No. 362, approved July 6, 1931 (Local Acts, 1931, Page 167), as amended by Act No. 81, approved October 11, 1932 (Local Acts, 1932, Page 27), and as amended by Act No. 29, approved May 25, 1945 (Local Acts, 1945, Page 38), which court is hereby abolished.

Section 2. *Jurisdiction.* (a) Except as provided in Subsection (c), the court shall have power to exercise jurisdiction in all actions, causes, matters, proceedings and cases, civil or criminal, cognizable before the circuit court, or a county court, or justices of the peace, and courts created in lieu thereof, and all courts of like jurisdiction. It shall have concurrent jurisdiction of juvenile cases. It shall have authority to punish contempts as a circuit court, and may adopt and enforce rules and regulations relative to pleadings, procedure and practice, provided such rules and regulations are not contrary to the constitution and statutes of the State of Alabama and law-made rules governing the practice and procedure of courts of record. (b) The court shall have exclusive appellate jurisdiction in cases appealed from justices of the peace, mayor's or recorder's courts, and all inferior courts of the county. Such appeals shall be had as appeals to the circuit court, unless otherwise herein provided. (c) The court shall not have power to try persons charged with felonies, nor shall it have power to draw, organize or empanel grand juries.

Section 3. *Judge.* (a) A judge of the court herein established shall be elected by the qualified electors of the county at the general election of 1948. His term shall be for four years from the second Tuesday after the first Monday in January next following his election, and until his successor is elected and qualified. (b) The first judge of the court shall be the person holding office as judge of the court abolished by this Act, and he shall hold office until his successor is elected or appointed and assumes office as provided herein. (c) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the Constitution of Alabama. He may be removed from office for any cause enumerated in Section 173 of the Constitution and in the manner prescribed by law. No person shall be eligible to the office of judge unless he is at the time of his appointment or election a qualified elector of Limestone County, learned in the law and admitted to the practice of law by the Supreme Court, of Alabama, for a period of at least three years prior to such election or appointment, and over the age of twenty-five years. The judge shall not engage in the practice of law during his term of office; and he shall be subject to the same penalties and obligations as circuit judges. Any vacancy occurring

in the office of judge shall be filled by appointment as provided in Section 158 of the Constitution. (d) The judge shall receive an annual salary of three thousand six hundred dollars (\$3600.00), payable out of the general fund of the county in equal monthly installments as the salaries of other county officers are paid. (e) The judge shall have authority to: 1) grant writs of habeas corpus, certiorari, supersedeas, quo warranto, mandamus, and all other remedial and original writs which are grantable by the circuit judges; 2) grant writs or injunction and ne exeat; 3) administer oaths and take acknowledgments; (4) exercise such other powers, jurisdiction or authority as may be conferred by law upon circuit judges, judges of juvenile or county courts, and justices of the peace, except as otherwise provided herein. (f) The judge shall keep an office in the county courthouse. His office shall be suitably equipped, furnished and provided, at the expense of the county, with such office supplies and stationery, stamps, furniture, fixtures, telephone and other facilities as may be necessary for the transaction of the business of the court. (g) In the event the judge is disqualified or unable to act, a special judge shall be appointed as provided by Section 160 of the Constitution and Section 124 of Title 13 of the 1940 Code, who shall be paid five dollars for each day or fraction thereof that he serves, out of the general fund of the county.

Section 4. *Sessions.* (a) Sessions of the court shall be held at the county courthouse, and the court shall be open at all times for the transaction of business. Regular sessions shall be held on the first Monday in each month for the trial of civil actions at law, and on the third Monday in each month for the trial of criminal cases. Special sessions may be held at such times as the judge shall designate in orders spread upon the minutes. Sessions may continue so long as it may be necessary for the court to complete its business. Jury sessions must be held at least once every four months and may be held oftener, if in the discretion of said judge, it is considered necessary. (b) The sheriff shall attend the session of the court in person or by deputy. He shall execute all writs and processes of the court, and perform such other duties as he may be required to perform in the circuit court. He shall receive the same fees for executing the processes of the court as provided by law for the executing of the same processes in the circuit court or justice of the peace courts, and they shall be collected in the same manner.

Section 5. *Practice and Procedure.* (a) Except as otherwise provided in this Act, the practice and procedure of the court as to parties, trial, competency of witnesses, admissibility of evidence, regulation of suits, and the time within which suits may be brought or appearances entered shall be governed by the statutes and rules of practice and procedure governing the circuit courts. (b) In all civil cases at law where the amount involved is one hundred dollars or less, or where a justice of the peace would have final jurisdiction, the rules of pleading and the time within which suits may be brought,

tried or appearances entered shall be governed by the rules and laws applicable to civil actions before a justice of the peace. (c) Criminal cases of all types shall be set for as speedy and early a hearing as the court or judge thereof may see fit. (d) The court shall have three divisions, namely, law, equity, and criminal. Juvenile cases shall be docketed and tried in the law division.

Section 6. *Juries.* (a) The judge shall draw petit jurors to try cases in the same manner as they are drawn in the circuit court. (b) In all civil cases the judge shall decide all issues of fact without the intervention of a jury, except in civil actions at law where the plaintiff demands a jury trial in writing at the commencement of the suit, or in cases where the defendant demands a jury trial in writing within thirty days after the perfection of service upon him; in cases where the amount involved is one hundred dollars or less or where a justice of the peace would have final jurisdiction, a jury must be demanded not later than the date set for trial if such is less than thirty days after service of process. In civil cases at law brought by appeal or certiorari from judgments of justices of the peace or other inferior courts, a jury trial may be demanded in writing by the appellant within ten days after taking the appeal, or by appellee within ten days after notice of the appeal shall have been perfected. (c) In all misdemeanor cases the judge shall decide issues of fact without the intervention of a jury, except in cases where the defendant files a written demand for a jury trial with the clerk within thirty days after his arrest, or not later than the trial date if such is less than thirty days after his arrest, or if an appeal, within thirty days after the taking of the appeal. (d) No jury shall be allowed in equity cases except where such is provided for in equity cases in the circuit court.

Section 7. *Costs.* (a) In all matters, causes and proceedings in which justices of the peace would have final jurisdiction, the costs and fees taxable shall be the same as are allowed in justice of the peace courts. The usual solicitor's fees provided in cases in circuit courts shall be taxed as a part of the costs in all criminal cases, except in a criminal case where a justice of the peace would have final jurisdiction in which no solicitor's fee shall be charged. Witnesses shall be allowed fifty cents per diem for their attendance in all cases where a justice of the peace would have final jurisdiction, and one dollar per diem in all other cases. Witnesses shall not be entitled to mileage in any case. No trial tax shall be charged in any case. In all other cases, the usual fees and costs shall be taxed as in circuit court, unless otherwise provided herein. (b) Officers who are paid a salary by the State or any political subdivision thereof shall not be entitled to witness fees for attending the court. (c) In each case reported by the reporter, there shall be taxed as a part of the costs the sum of three dollars. (d) All fines and forfeitures, except those required by law to be paid or remitted to the State Treasurer, or other State officer or department, all solicitor's fees and all court reporter's fees shall be deposited by the clerk in the general fund of the county. The clerk

shall retain his own fees and the fees of the sheriff and witnesses and shall pay them to the parties entitled thereto. All other items of costs shall be deposited in the general fund of the county, unless otherwise provided by state law. (e) No costs shall be taxed in juvenile cases. (f) If the defendant is acquitted, or if the case is nol prossed or is abated by the death of the defendant, or if the indictment, complaint or affidavit is withdrawn and filed, no clerk's fees or sheriff's fees shall be charged; witness fees, however, in the amounts hereinbefore set forth shall accrue against the county fine and forfeiture fund for the state's witnesses within a reasonable number as determined by the judge.

**Section 8. *Criminal Prosecutions.*** (a) No prosecution shall be commenced in the court except by transfer from the circuit court of Limestone County or upon sworn complaint made to either the judge or clerk of the court, who shall issue a warrant of arrest if he is reasonably satisfied that the offense has been committed and that there is reasonable cause to believe that the accused is guilty. When the accused is arrested, the case shall be docketed for trial, and the trial shall be held and conducted as trials after indictment. The clerk shall keep a docket of all complaints made or warrants issued. If the original complaint or warrant is lost, mislaid or destroyed, a certified copy of the record shall be sufficient for the arraignment and trial of the accused. (b) An amendment of the sworn complaint or affidavit without the defendant's consent shall entitle the defendant to a continuance. (c) The county solicitor for Limestone County shall, without additional compensation, prosecute for the State all criminal cases commenced in the court, and shall prepare any and all complaints, affidavits or other pleadings in which the State is a party. In the event the county solicitor is absent or disqualified, the judge shall appoint a special prosecutor, who shall be paid five dollars for each day or fraction thereof that he is called upon to serve, out of the general fund of the county.

**Section 9. *Appeals.*** Any party aggrieved by a final judgment, order or ruling of the court may appeal to the Court of Appeals or Supreme Court in the same manner and within the same time as appeals may be taken in the circuit court.

**Section 10. *Judgments.*** The party in whose favor a judgment is rendered shall have all the rights, remedies and privileges with respect to the registration and enforcement thereof as provided in Chapter 11 of Title 7 of the 1940 Code.

**Section 11. *Clerk and Register.*** (a) The circuit court clerk of Limestone County and the register of the circuit court shall be the clerk and register, respectively, of the court herein established. The clerk shall receive the same fees in civil cases where the amount involved exceeds one hundred dollars as are allowed in circuit courts, and in cases where the amount involved is one hundred dollars or less, the same fees as are allowed justices of the peace for like services. The register shall receive the same fees as are allowed in the circuit courts.



Each shall have authority to purchase at the county's expense such records, stationery, office supplies and equipment as may be necessary to conduct the court's business. Each shall keep a seal, which shall be the official seal adopted by the court. Said clerk and register shall make a bond payable to the State of Alabama in the penal sum of \$5,000.00 and shall take the oath of office as required of all officers of the State of Alabama. (b) The clerk of this court and the register of this court shall have the same authorities and shall perform the same duties as the circuit court clerk and the register of the circuit court have under the general laws of the State of Alabama.

Section 12. *Reporter.* The judge shall secure the services of a competent reporter to attend the sessions of the court and report all cases tried who request therefor is made by any party to a suit. He shall serve at the will and pleasure of the judge. The reporter shall receive five dollars for each day that he is called upon to serve, to be paid out of the general fund of the county, and in addition, he shall receive for his own use from the parties to suits when they request such, ten cents per hundred words for making a transcript of evidence taken by such reporter, and five cents per hundred words for each copy thereof. He shall be required to keep his notes and records for public use and inspection.

Section 13. *Transfer of Cases.* (a) All cases and actions pending in the court abolished by this Act shall be transferred to the court herein created and shall proceed as though begun therein. As to judgments rendered by the abolished court, this court shall have the same power to control, and may issue executions and other processes thereon in all respects as though the judgments had been rendered by it. (b) The presiding judge of the Circuit Court of Limestone County shall, on the effective date of this Act or as soon thereafter as is practicable, transfer to the court created herein all cases pending in the circuit court against persons charged with a misdemeanor, and such cases shall proceed as though begun therein. After the effective date of this Act, every indictment returned by a grand jury of Limestone County which charges a person with a misdemeanor shall be transferred immediately to the court herein created and all subsequent proceedings on the indictment shall be had therein. (c) All civil cases at law or in equity now or hereafter pending in the circuit court may be transferred to the court herein created by agreement of the parties; similarly, all civil cases at law where the amount claimed or involved exceeds fifty dollars, and all equity cases arising in the court herein created, may be transferred by agreement of the parties to the Circuit Court of Limestone County.

Section 14. *Transfer of Funds.* The net balance on hand after the payment of all claims accrued or accruing at the time of the effective date of this Act in the "Limestone County Court Fund" of the court abolished by this Act shall be transferred as soon after said effective date as is practicable by the judge of this court to the Fine and Forfeiture Fund of Limestone County.

Section 15. *Severability.* The provisions of this Act are severable. If any part is declared unconstitutional or invalid, such declaration shall not affect the part which remains.

Section 16. *Repealer.* All laws which conflict with this act are repealed.

Section 17. *Effective Date.* This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved July 24, 1947.

No. 200)

## AN ACT

(H. 604—Broadwater

To consolidate and combine the officers of Circuit Clerk, Register of the Circuit Court, Clerk of the Limestone County Court, and Register of the Limestone County Court of Limestone County; and to provide for the election, term of office and compensation of a Circuit Clerk of Limestone County, and for an assistant clerk and his compensation.

*Be it Enacted by the Legislature of Alabama:*

Section 1. After the expiration of the terms of office of the incumbents, the following offices in Limestone County shall be consolidated and the powers and duties of such officer shall be conferred on and be exercised by the Circuit Clerk of Limestone County; namely, Register of the Circuit Court, Clerk of the Limestone County Court, and Register of the Limestone County Court.

Section 2. A Circuit Clerk for Limestone County shall be elected by the qualified electors of the county at the general election to be held in the year 1952, and every four years thereafter; the clerk shall hold office for a term of four years, and until his successor is elected and qualified, and shall be paid \$3,000.00 annually from the General Fund of Limestone County, Alabama, in equal monthly installments. The clerk shall be allowed one assistant clerk, to be appointed by him, who shall receive an annual salary of not more than \$1,440.00 and not less than \$1,200.00, the exact amount to be fixed by the governing body of the county, which shall provide for paying the same in equal monthly installments out of the General Fund of Limestone County.

Section 3. After the consolidation of the offices enumerated in Section 1 of this Act, all fees which at present accrue to such officers shall be paid into the General Fund of Limestone County.

Section 4. All laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1947.

No. 201)

(H. 605—Broadwater

## AN ACT

To change the method of compensating the Judge of Probate of Limestone County, placing such officer on a salary, and providing clerks for his office.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The Judge of Probate of Limestone County shall be paid a salary of three thousand and six hundred dollars (\$3,600) per annum in lieu of any other compensation or remuneration for the performance of his duties. All fees, commissions, percentages, and allowances heretofore collectible for the use of the judge of probate shall be collected and paid into the general fund of the county. The salary of the judge of probate shall be paid out of the general fund of the county in equal monthly installments as the salaries of county employees are paid.

Section 2. The judge of probate may employ one chief clerk and two assistant clerks, whose salaries shall be fixed by him and paid by the county. The annual salary of the chief clerk shall be not less than one thousand and eight hundred dollars (\$1,800) and not more than two thousand and four hundred dollars (\$2,400). The annual salary of assistant clerks shall be not less than one thousand and two hundred dollars (\$1,200) and not more than one thousand and five hundred dollars (\$1,500). The judge of probate shall not employ any clerk unless he shall file, on or before January 1 of each year, his affidavit showing the necessity for the employment of clerks during the ensuing year.

Section 3. The provisions of this Act are severable. If any part of the Act is declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 4. All laws in conflict with this Act are repealed.

Section 5. This Act shall become effective upon the expiration of the term of office of the incumbent Judge of Probate of Limestone County.

Approved July 24, 1947.

No. 202)

(H. 608—Bennett

## AN ACT

For the relief of Mrs. U. G. Brimer as compensation for the death of her husband, U. G. Brimer, deceased, of Calhoun County, Alabama, as result of injuries received while he was in the line of and performing his duties as a road employee of Calhoun County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the County Commission of Calhoun County, Alabama, be and is hereby authorized to pay to Mrs. U. G. Brimer the sum of Two thousand and no/100 (\$2,000.00) Dollars, as com-

pensation to her and the four minor children of the said U. G. Brimer, for the death of her husband, U. G. Brimer, which occurred on the 3rd day of June, 1947, as result of injuries received by the said U. G. Brimer, on or about November 26, 1946, while working as an employee of said County and in the line of and performing his duties as an employee of the Road Department of Calhoun County, Alabama, and under such circumstances that the widow and other members of the family have no recourse at law to recover damages or compensation for his death. That the County Commission of Calhoun County, Alabama, be and is hereby empowered and authorized to pay such compensation to Mrs. U. G. Brimer out of the General Fund of Calhoun County, Alabama.

Section 2. That this Act shall take effect immediately upon its passage and approval.

Approved July 24, 1947.

No. 203)

(H. 617—Weaver

### AN ACT

To authorize the Sheriff of Winston County, Alabama, with the approval of the County Governing Body, to appoint three additional Deputies Sheriff whose salary, not to exceed \$900.00 annually, and the duration of service may be fixed and determined by said County Governing Body; to designate the county residence and the areas of service of said deputies, and to prescribe their duties and to require them to give bond as provided by the General Laws of Alabama; to provide that the salaries of said Deputies shall be paid out of the General Fund of the County, which shall be reimbursed out of certain fines, forfeitures, costs and fees; to provide when this Act shall become inoperative, and to fix the effective date hereof.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The sheriff of Winston County, Alabama, is hereby authorized to appoint three deputies sheriff in addition to those now lawfully provided, but such appointment shall be subject to the further provisions herein.

Section 2. The deputies herein provided shall be appointed by the sheriff with the advice and consent of the Court of County Commissioners, or like governing body of Winston County, Alabama, and shall hold office at the pleasure of the sheriff.

Section 3. The deputies so appointed shall reside and be assigned by the sheriff as follows: one shall reside in Precinct 3 (Lynn Precinct), and shall be assigned therein for the performance of official duties; another shall reside in Precinct 5 (Arley Precinct), and shall be assigned for performance of his official duties therein; and the third shall reside in Precinct 7 (Addison Precinct), and shall be assigned for the performance of his official duties therein. However, said assignments shall not preclude these deputies from performing other and additional duties for the sheriff in other parts of the county.

Section 4. The deputies so appointed shall perform such official duties as by the General Laws of Alabama are imposed upon a deputy sheriff and each shall give bond in the sum and in the manner as provided by the General Laws of Alabama applicable to a deputy sheriff.

Section 5. Each deputy herein mentioned shall receive for his services an annual salary not in excess of \$900.00, which shall be paid in equal monthly installments from the general funds of the county by warrant drawn on the county treasurer or by payment in such other manner as may be by law provided for payment of claims against the county. This salary shall be fixed by the governing body of said county and may be reduced or discontinued at their pleasure.

Section 6. The general fund of said county shall be reimbursed in whole or in part in the manner following. All fines, forfeitures, solicitor's fees, and other costs imposed by any court of competent jurisdiction within Winston County that are included in any judgment for an offense committed in Precincts 3, 5 or 7 of said county, and required under the General Laws of Alabama to be paid into the fine and forfeiture fund or general fund of the county, shall, by the collecting official and the county treasurer, be paid into the general fund of the county, instead of the fine and forfeiture fund, to reimburse said general fund for the salaries herein mentioned.

Section 7. If the income herein provided should fail during the first twelve months succeeding the effective date of this act, or during any successive period of twelve month, to reimburse the salaries paid the deputies, and should the sheriff, out of his personal funds or from sources otherwise, refuse or fail to pay into the County Treasury, within thirty days after the end of said period, a sum sufficient to cover the deficit, then this act shall become inoperative, and the county shall not pay to any of the deputies any salary after the expiration of said period of twelve months, all to the end that said offices of deputies sheriff herein created shall not be a burden on the funds of the county after the expiration of said twelve months. Provided, however, that any surplus during said period of time shall be credited to and considered as a part of the income of the succeeding period of twelve months.

Section 8. If the preceding section, or any provision thereof, should be declared null and void because of constitutional inhibitions, then this entire act shall fail, it being the intention hereof that one section shall not be separable from the other sections or provisions hereof, but the act shall stand or fall as a whole.

Section 9. This act shall take effect on the first day of the month succeeding its approval by the Governor.

Approved July 23, 1947.

No. 213)

(S. 275—Patton)

## AN ACT

Governing the compensation of the Superintendent of Education of Limestone County.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The salary of the Superintendent of Education of Limestone County shall be fixed by the County Board of Education at a sum not to exceed three thousand and six hundred dollars (\$3,600) per annum. In addition to his salary, the superintendent shall be entitled to receive an allowance for expenses, which allowance shall be fixed by the board at not less than six hundred dollars (\$600) nor more than twelve hundred dollars (\$1,200) per annum.

Section 2. This Act shall become effective on the first day of the calendar month following the date of enactment.

Approved July 24, 1947.

No. 214)

(S. 277—Mize)

## AN ACT

To amend Section 4 of Act No. 228, approved August 23, 1927 *Local Acts of Alabama*, 1927, p. 130), which Act established the Inferior Court of Tuscaloosa County.

*Be it Enacted by the Legislature of Alabama:*

Section Four of Act No. 228, approved August 23, 1927 *Local Acts of Alabama*, 1927, p. 130), which Act established the Inferior Court of Tuscaloosa County, is amended to read as follows: "The Circuit Clerk of Tuscaloosa County shall act and be Clerk of the Inferior Court hereby established and he shall keep a civil and criminal docket of all cases brought before said Court and all of the minutes and records as are now required by law to be kept by Justices of the Peace and by the Clerk of the County Court of said County, and such records and dockets as are required of the Juvenile Court, and of the Probate Court of said County as regards matters of domestic relations. He shall have authority to issue all necessary summons and complaints, as to all cases filed in said Court, and all other civil and criminal process which Justices of the Peace, the Clerk of the County Court, and the Clerk of the Juvenile Court and the Probate Court of said County as regards matters of domestic relations, are now required or empowered by law to issue. He shall have authority to swear witnesses at the trial of all cases in said County. It shall be the duty of said Clerk to tax and collect in each civil case in said Inferior Court the same costs, fees, commissions, percentages, and allowances for services of the Clerk and Sheriff and witnesses in civil cases in said Court as are now allowed by law to be assessed, charged and collected for same in justice of peace courts, and the same costs and fines, and fees, commissions, percentages, and allowances in criminal cases

as are now allowed by law to be assessed, charged and collected in the justice of the peace courts in all criminal cases of which justices of the peace now have jurisdiction. In all other criminal cases the same costs and fines, and the same fees, commissions, percentages, and allowances for the services of the Solicitor, Clerk, Sheriff and witnesses in said Court shall be assessed and collected as are now provided by law to be assessed and collected for such offenses in the County Court of Tuscaloosa County, Alabama. The clerk shall deduct for the use of the County five per cent of any sum or sums collected for and remitted to the State. The trial tax in each criminal case shall be \$3.00 and the trial tax in each civil case shall be \$1.00. The Sheriff's fees collected by said Court shall be paid over to the Sheriff by the Clerk on the first Monday of each month. Any money paid to said Clerk on judgments rendered in said Court shall be paid to the plaintiff or his attorney, on demand. All the costs, fees, commissions, percentages, and allowances allowed the Solicitor and Clerk of said Court, and all witness' fees shall be collected by said Clerk and all such amounts so collected, except witness' fees and allowances, shall be paid by said Clerk into the County Treasury on the first Monday of each month, provided that the witness' fees assessed and collected by the Clerk shall be retained by him and paid over to the witness entitled to same, and to be assessed, collected and handled as are witness' fees so assessed, collected and handled in the Circuit Court of Tuscaloosa County. And the Clerk shall be paid and allowed to retain in settlement with the County from the fees collected in the Inferior Court the said fees hereby above allowed to be assessed and collected as Clerk's costs and the said Clerk shall be allowed and paid the same amount as he is now allowed and paid as ex-officio Clerk of the County Court of Tuscaloosa County, Alabama. The Clerk shall attend upon the duties of said Court as such hours as are designated by the Judge thereof and shall perform such other clerical duties as may be prescribed by the Judge of said Court. The Clerk shall keep a final record and issue certificates of judgment; and for the issuing of said certificates of judgment he shall be allowed the same fees as are now allowed for the issuing of certificates of judgment in the Circuit Court of Tuscaloosa County, Alabama. The certificate of judgment hereinabove provided to be issued by the Clerk shall, upon being recorded in the Probate Office of said County, become a lien in the same manner and under the same regulations as now provided for certificates of judgment issued out of the Circuit Court of Tuscaloosa County, Alabama."

Approved July 29, 1947.

No. 219)

(H. 557—Barnett and Rogers

#### AN ACT

To amend Section 1 of an act approved May 20, 1943, entitled "An Act to allow the Sheriff of Lauderdale County, Alabama, an additional Deputy

Sheriff to that provided by law; to fix the salary of said Deputy and to make the same payable out of the general funds of Lauderdale County, Alabama, in monthly installments."

*Be it Enacted by the Legislature of Alabama:*

That Section 1 of the act approved May 20, 1943, entitled "An Act to allow the Sheriff of Lauderdale County, Alabama, an additional Deputy Sheriff to that provided by law; to fix the salary of said Deputy and to make the same payable out of the general funds of Lauderdale County, Alabama, in monthly installments" be amended so as to read as follows:

Section 1. That the Sheriff of Lauderdale County, Alabama, is hereby allowed an additional Deputy to the Deputies now provided by law, which said Deputy shall receive a salary of such amount as may be fixed by the Court of County Commissioners, not to exceed \$2100.00 per annum, to be paid in 12 monthly installments out of the general funds of Lauderdale County, Alabama; that said Deputy Sheriff shall be eligible to perform the duties of Deputy Sheriff anywhere in Lauderdale County, Alabama.

Section 2. That all provisions of said act approved May 20, 1943, not in conflict herewith are hereby retained.

Section 3. That all laws and parts of law in conflict with this act are hereby expressly repealed and this act shall be in full force and effect from the date of its approval by the Governor.

Approved July 29, 1947.

No. 220)

(H 558—Barnett & Rogers

AN ACT

To authorize the Court of County Commissioners of Lauderdale County, Alabama, to expend moneys from the general fund of the County for the purpose of holding referendum elections.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The Court of County Commissioners of Lauderdale County, Alabama, is hereby authorized and empowered to expend moneys from the general fund of said County for the purpose of holding referendum elections, including the cost of publishing notices of such elections, printing ballots, compensating election holders, election clerks, and returning officers.

Section 2. This Act shall take effect immediately upon its approval by the Governor.

Approved July 29, 1947.

No. 221)

(H. 609—Thompson (Pike), Shirley

AN ACT

To alter and extend the corporate limits of the Town of Brundidge, Pike County, Alabama, and rearrange and define the boundaries thereof.



*Be it Enacted by the Legislature of Alabama:*

Section 1. That hereafter the corporate limits of the Town of Brundidge, Pike County, Alabama, shall include the following described lands: West half of Section 25; Section 26; East half of Section 27; East half of Section 34; Section 35; and West half of Section 36, all in Township 9 North, Range 21 East. All of the above described lands shall be included within the corporate limits of said Town.

Section 2. That this Act shall take effect immediately upon its passage and approval by the Governor.

Approved July 29, 1947.

No. 226)

(H. 437—Adams (Jefferson),  
Dumas, Beatty & Gibson

AN ACT

To establish an inferior court of record to be called the Bessemer Civil and Misdemeanor Court; to define the jurisdiction and powers of said Court and the officers thereof; to provide for the election or appointment of the Judge, Clerk and other officers of said Court; to fix the terms or tenures of office of the officers of said Court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said Court and fix the method of service of all processes therefrom; to create and designate the officials to serve processes issued by said Court and provide compensation therefor; to designate the officers of said Court and define their duties and the duties of other officials with respect to said Court; and to provide for appeals from said Court and regulate the manner of taking same.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That there is hereby established an inferior court in Precincts 2 and 33 in Jefferson County, Alabama; said Precincts lying within or partly within the City of Bessemer, Alabama, which shall be known and designated as the Bessemer Civil and Misdemeanor Court, which shall be in lieu of all Justices of the Peace within said Precincts and in lieu of all inferior courts heretofore created in lieu of the Justices of the Peace in said Precincts. Said Court shall be held in a place furnished and designated by the County Commission of Jefferson County as the place for holding the same. That said Court shall have all the powers and jurisdiction now conferred or that may hereafter be conferred by law on Justices of the Peace, and the Judge of said Court shall have and exercise all the power and authority, perform all the duties now prescribed, or that may hereafter be prescribed by law for Justices of the Peace, and shall have all the power and authority over the matters transacted in said Court.

Section 2. That the Court hereby established shall be a Court of Record and have and exercise civil and criminal jurisdiction in all matters of which Justices of the Peace and inferior courts in lieu of Justices of the peace have jurisdiction under the general laws, con-

currently with the several justices of the peace and inferior courts of Jefferson County; and shall have in Precincts 2 and 33 of said County exclusive jurisdiction in all matters of which justices of the peace and inferior courts created in lieu of justices of the peace have in Precincts 2 and 33 of Jefferson County, Alabama, which said Precincts lie within or partly within the City of Bessemer, Alabama, and, in addition thereto the said Court hereby created shall have and exercise concurrent jurisdiction with justices of the peace of the County as to all civil cases over which such justices of the peace have or may have as provided by law, provided that said Court shall not have jurisdiction of workmen's Compensation cases, libel, slander, assault and battery, ejectment or actions in the nature of ejectment.

Section 3. That the territorial jurisdiction of this Court shall not extend over that portion of Jefferson County known and designated as the Birmingham Division of the Circuit Court, but the jurisdiction of this Court shall be limited to and be construed to include and embrace the following precincts as now constituted, to-wit: Williams Precinct No. 1, Jonesboro Precinct No. 2, Parson's Precinct No. 3, Aaron's Precinct No. 4, Short Creek Precinct No. 5, Bethlehem Precinct No. 7, Meets Precinct No. 24, Toadvine Precinct No. 27, Bessemer Precinct No. 33, Gwin's Precinct No. 35, Huey's Precinct No. 40, Parkwood Precinct No. 41, Mulga Precinct No. 49, Virginia Mines Precinct No. 51, Fairfield Precinct No. 53, Brighton Precinct No. 55 and Lipscomb Precinct No. 58.

Section 4. That the Judge of this Court shall have power to punish for contempt in all cases where Judges of the Circuit Court of this State can punish for contempt by a fine not exceeding Fifty Dollars (\$50.00) and by imprisonment not exceeding five days, either or both.

Section 5. That the Judge of this Court shall be learned in the law and at the time of his election or appointment shall be at least twenty-five years of age and during his tenure in office be a resident of that portion of the County comprising the territorial jurisdiction of the Court. The Judge of said Court shall hold his office for a term of six years, and until his successor is elected and qualified. The present judge of the Municipal Court of Bessemer at the time this Act goes into effect shall be the Judge of the Court hereby established for the term ending January 1, 1952. At the regular election for State and County officers in November, 1952, and each six years thereafter, there shall be elected a Judge of said Court by the qualified electors of the territory over which said Court has civil jurisdiction. All vacancies in the office of Judge of said Court shall be filled by appointment of the Governor.

Section 6. That the judge of said Court shall receive an annual salary of Five Thousand Four Hundred (\$5400.00) Dollars payable in equal monthly installments out of the county treasury of Jefferson County. The Judge of said Court shall not during his tenure of office

practice law in any of the courts of this state or of the United States.

Section 7. That in the absence, disqualification or inability of the Judge of said Court to act, he shall appoint in writing a special judge, who shall have full power to act for and in the place of the regular judge, said person so appointed shall at the time of his appointment be a practicing attorney residing within the jurisdiction of said Court. In case the Judge of said Court shall be unable to discharge the duties of his office by reason of sickness, disqualification or inability to hold said Court, and shall not have appointed a special judge to act, it shall be the duty of the Circuit Judge presiding over the Bessemer Division of the Circuit Court of Jefferson County upon request of the Clerk of said Court to appoint a special judge to transact the business of said Court, and in either event, said special judge shall receive the same compensation as the regular judge of said court during the time he serves. If, however, the illness, disqualification or inability to serve of the regular Judge shall exceed thirty days in each twelve months, the compensation of the special judge for all time served by him in excess of thirty days shall be deducted from the salary or compensation of the regular judge of this Court.

Section 8. That there shall be a Clerk of said Court who shall give bond in such penal sum as the County Commission or other like governing body shall prescribe, which bond shall be approved by and filed in the Office of the Probate Judge of Jefferson County, and which bond shall be conditioned to faithfully discharge the duties of such office and to pay over all monies to the proper officers and persons to whom it is payable, and to faithfully account for all monies coming into his or her hands by virtue of such office, and upon the said bond there shall be the same liabilities and remedies as upon the bond of the clerk of the Circuit Court, the premiums on said bond to be paid out of the county treasury; that there shall be an assistant clerk of said court whose duty it shall be to assist the Clerk in keeping the records, issuing process and transacting the business of the office. The County Commission or other like governing body of the County shall prescribe or change the number of deputy clerks which it deems necessary to assist the Clerk in the performance of the clerical duties of said Court, and shall fix the salaries of the Clerk, assistant clerk and deputy clerks which shall be payable out of the county treasury as other county employees are paid. The first clerk of said Court shall be the Clerk of the Municipal Court of Bessemer, at the time this Act goes into effect, and the present assistant Clerk shall be the assistant Clerk of said Court. The Clerk, assistant clerk and the deputy clerks thereof shall, notwithstanding the provisions of this section, be governed and controlled with respect to their appointment, tenure of service, classification, grading, and compensation by the terms of any civil service law which may be in effect from time to time in Jefferson County, and such Clerk and assistant clerk shall be entitled in determining their status under any civil service law to have added

to their terms of service any previous service in similar positions, providing such previous service immediately ante-dates their term of service as clerk or deputy clerks as the case may be of this Court.

Section 9. That the Constables of Precincts 2 and 33 of Jefferson County and the Sheriff of Jefferson County shall be the officers of said Court and shall execute all processes from said Court and make return thereof, and shall receive the same fees as are now provided by law for similar services, with respect to process issuing from the courts of justices of the peace in said county, but the fees of the sheriff shall be covered into the county treasury. All writs of restitution or eviction shall be served by the Sheriff.

Section 10. That the Clerk of said Court shall issue all processes out of said Court, approve all bonds, keep a docket of said Court, certify all appeals and perform such other duties as are usually required of clerks of courts. The bailiff's duties for said Court shall also be performed by the clerk or one of the deputy clerks. The fees and costs that are now allowed by law to justices of the peace in Jefferson County, or which may hereafter be allowed by law in courts of justices of the peace in said county, shall be taxed and collected and paid into the county treasury. There shall also be taxed, collected, and paid into the county treasury a suit fee in each case filed in said court of fifty cents which shall be taxed and collected as other costs and paid into the county treasury.

Section 11. That the practice, procedure, judgments, and records in this court shall conform to and be governed by the laws applicable to practice and procedure in justice of the peace courts insofar as applicable and except as otherwise provided in this Act. All judgments required to be signed shall be signed by the Judge. Judgments and the records thereof shall not be required to be more formal than those in courts of justices of the peace and shall be governed by the same laws as judgments in the courts of justices of the peace. Every intendment is in favor of the sufficiency and validity of proceedings in this court, when brought in question either directly or collaterally in any of the courts of this state where it appears on the face of the proceedings that this court had jurisdiction of the subject matter and the parties.

Section 12. That this Court shall have exclusive and final jurisdiction concurrently with the Circuit Courts of this County in all misdemeanor cases.

Section 13. That executions may issue on the judgments of this court and revivor thereof had and actions thereon maintained in the same manner and for the same length of time and in accordance with the same procedure as is or may be provided by law with respect to judgments of the Circuit Court provided that the scire facias to revive any judgment in said court need not be served for any greater length of time than is provided herein with respect to service of the summons, and provided further that an execution from said court need

not have thereon an itemized statement of the bill of costs. The judgments of this court shall be subject to registration in the same manner and in accordance with the same procedure as is or may be provided by law for the registration of judgments of the Circuit Court, and the liens thereof shall attach and executions be issued thereon in the same manner and to the same extent and for the same length of time as is or may be provided by law with respect to Circuit Court judgments.

Section 14. That the summons must be issued by the clerk of the Court, and accompanied by the complaint of the plaintiff or by an endorsement setting forth the cause of action, but a complaint shall be sufficient if it contains such information as is required by law with respect to endorsements on the summons of courts of justices of the peace. The summons must be executed by the constable, sheriff or other officer authorized to serve process by leaving a copy of the summons and complaint, or summons with the cause of action endorsed thereon with the defendant which fact he must return with the process. No party shall be treated as in default until the return date of the summons nor until after the lapse of at least three days from date of service in cases (other than forcible entry and unlawful detainer), nor in other cases (including forcible entry and unlawful detainer), until after the lapse of at least six days from date of service of the summons. All garnishments shall be answerable at or before nine o'clock a.m. of the return day of the writ and the Court may render a conditional judgment against any garnishee who after proper service of the writ fails to answer at or before such time. No more than three days service of any rule or notice to show cause why a conditional judgment should not be made final shall be necessary in any garnishment proceeding in this Court. In all garnishment cases the garnishee must answer under oath according to the terms of the garnishment but the clerk need not give notice of the filing of the answer to either the plaintiff or defendant. The garnishee may, if required by the plaintiff (which request need not be in writing) be examined orally in the presence of the Court. If the answer of the garnishee is seasonably filed any request by plaintiff for oral examination must be made within thirty days from the return date of the writ of garnishment, and in the absence of such request or of a contest instituted within thirty days from the said return date, the garnishee shall be entitled to stand upon his answer as made. Service of any notice proper to be made by publication may be perfected by one insertion of the notice and after ten days from the date of publication of any such notice the party so notified and failing to appear shall be treated as in default. In the garnishment proceedings in said court the court may upon motion of any party in interest and reasonable notice to the party or parties adversely affected not less than three days, and whether the garnishee has answered or not hear and determine the right of exemption of the defendant in garnishment with respect to the monies or property garnished.

Section 15. That the judge of this court shall make any and all necessary rules for the conduct of the court and the officers thereof, for the filing and trying of cases, for the distribution and service of the processes of the court and generally with respect to the duties of the various officers of the court in their relations to the court, the authority herein specifically granted not to be construed as limiting authority generally and usually exercised by judges in making and enforcing the rules of the Court.

Section 16. That said Court shall have the power to set aside, vacate or modify its judgments upon motion made in writing within five days after the rendition of same, which said motion must be promptly determined. And the Court may be open for business and render default or other judgments at any time after nine o'clock in the morning of each day and all processes of the Court where no time is otherwise fixed shall be returnable at nine o'clock a.m. of the return day.

Section 17. In cases of emergency the judge of said court may appoint a suitable person to act as constable without bond, except as hereinafter provided; and the person so appointed must perform the same duties and is liable to the same pains and penalties, and is entitled to the same fee and compensation as regular constables; but such special constable is not authorized to levy or collect executions, attachments or writs of detinue, unless prior to the levying or collecting of executions, attachments or writs of detinue, he execute a bond in the sum of twice the value of the property to be levied on, payable to the defendant as is required by law, with sureties to be approved by the judge appointing such special constable.

Section 18. That all cases in said Court shall be tried by the Judge of said Court without the intervention of a jury, the judge determining both the law and facts and any party shall have the right to appeal to the Circuit Court, Bessemer Division, within five days from entry of a judgment and on appeal either party may demand a jury trial under the same rules as are provided by law for demand of jury trials in cases of appeal from judgments of justices of the peace and the trial in said Circuit Court shall be de novo and according to the same procedure as applied to appeals from judgments of justices of the peace.

Section 19. That appeals from judgments of said court to the Circuit Court in cases of forcible entry and unlawful detainer shall be taken within the same time and in the same manner and upon the same conditions with respect to bonds and surety as are applicable to appeals in like cases from justices of the peace courts.

Section 20. That any party desiring to appeal shall give bond with sureties to be approved by the Clerk conditioned to pay all costs which may be taxed against him in the Circuit Court. If the judgment appealed from is for the payment of money or for the recovery of

personal property and the party appealing desires to have the judgment superseded he shall give bond with sureties to be approved by the Clerk and payable to the party or parties in whose favor the judgment was rendered and in such penalty as the Judge may prescribe conditioned to pay and satisfy such judgment and costs as may be awarded and taxed against him on the trial of the case in the Circuit Court. All such bonds shall be filed with and approved by the Clerk within five days from the rendition of the judgment from which appeal is taken. This section shall not be applicable to judgments in forcible entry and unlawful detainer cases.

Section 21. Certioraris from judgments of this Court may be granted by judges of the Circuit Court and trials de novo had in the Circuit Court for the same causes, and upon the same conditions and according to the same procedure as apply to statutory certioraries from judgments of justices of the peace, and all certificates and notices with respect to such certioraris shall be issued by the Clerk.

Section 22. The Judge of this Court shall be authorized to take and have a vacation of thirty days, with pay during such vacation, in each calendar year and to absent himself from said Court for said number of days in each calendar year. The said number of days hereby allowed as a vacation to the Judge of this Court may be taken on successive days or at different intervals. Whenever the Judge desires to take a vacation as herein provided and absents himself from the Court, he shall be and is hereby empowered to appoint a Special Judge to act as Special Judge in his absence, and in the event that the regular Judge should absent himself without having appointed a Special Judge, the Judge presiding in the Bessemer Division of the Circuit Court of the Tenth Judicial Circuit of Alabama shall upon request of the Clerk of this Court appoint a Special Judge who shall perform all the duties of the regular Judge of said Court and while acting as such Special Judge shall have and exercise all the powers and authority of the said regular Judge and he shall be paid out of the Treasury of the County for the time he acts as Special Judge the same compensation fixed herein to be paid the regular Judge.

Section 23. That it shall be the duty of the Clerk to issue an execution on all judgments rendered in said Court after five days from the entry thereof and place the same in the hands of the Sheriff or other officer of the Court who shall return such execution within sixty days thereafter, said return to show that he has collected said judgment and paid the same or the amount collected, or is unable to find property of the person against whom said process issued out of which said execution can be satisfied in whole or in part.

Section 24. That if it shall appear to the Clerk that in any case where an execution has been returned unsatisfied as to the costs of said cause and in the opinion of the Clerk said cost can be collected by an alias execution the Clerk may issue such alias execution and

may direct the Sheriff or constable as to what property can be levied upon to satisfy said judgment, and the Clerk may in such cases issue such other or further execution as may be deemed necessary to enforce payment of costs against any party liable to execution for cost whether plaintiff or defendant.

Section 25. That when in any case execution against the defendant is returned "No property found" execution may issue against the plaintiff, in the name of the clerk, for all cost created by him in obtaining his judgment or attempting to collect the same, and such other or further executions may be issued as may be deemed necessary.

Section 26. The said Court herein provided for shall have a seal, and the Judge or Clerk thereof shall have authority to certify the records and proceedings of said Court and when thus properly authenticated such records shall be admissible in evidence in all the Courts of this State, when relevant to an issue being tried. The Judge of said Court shall adopt a seal for said Court which shall be kept in the custody of the Clerk.

Section 27. That all causes pending in the Municipal Court of Bessemer abolished by this Act together with all the papers and judgments of said Court, shall be transferred to this Court as if they had begun therein, and all judgments heretofore rendered in said Court shall be the same as if they had been rendered by this Court and this Court shall have the same power and control over said judgments and may issue execution or other process thereon the same as if said judgments had been originally rendered by this Court.

Section 28. This Court shall have exclusive and final jurisdiction concurrently with the Circuit Courts of this County in all misdemeanor cases arising in Jefferson County and within the precincts mentioned in Section 3 of this Act.

Section 29. Upon the conviction of any defendant in misdemeanor cases in said Court, the Court shall have the right to suspend the sentence whenever in the discretion of said Court the same may be advisable.

Section 30. That the Judge of said Court shall be authorized and empowered to perform marriage ceremonies and collect and retain as a part of the perquisites of his office the fees which are now or may hereafter be allowed by law.

Section 31. The Judge of said Court may designate in writing by general order, which shall continue until revoked by a general order of said Judge, the Clerk or Deputy Clerk as ex-officio Judge of said Court, and the said ex-officio Judge so designated shall have the power and authority to take affidavits and issue warrants of arrest that the Judge of said Court could issue, but such ex-officio Judge shall not try cases.

Section 32. That in addition to the powers and jurisdiction herein conferred upon said Court it shall have and is hereby given the au-



thority and jurisdiction to sentence to perform hard labor for the County of Jefferson for the payment of fine and costs in the same manner and to the same extent as the Circuit Courts of this State have authority and jurisdiction to do.

Section 33. If the defendant fails to appear as required by his bond said Court shall enter a forfeiture against him and his sureties, and said Court shall have the authority to issue and shall cause to issue sci. fa's to the bondsmen which shall be returnable in not less than twenty days from the issuance date, and upon a final hearing said Court shall have the authority to pass upon the forfeiture or to make the same final, or take such other action as the Circuit Court of said County may be authorized to take in case of appearance bonds in said Circuit Court. Said Judge shall issue an alias warrant for the arrest of the defendant.

Section 34. That there shall be taxed as a part of the costs in each misdemeanor case tried in said Court a trial tax of Three (\$3.00) Dollars and a Solicitor's fee of Five (\$5.00) Dollars which shall be in addition to the other costs herein provided for, which shall be collected as the other costs are collected, and paid into the County Treasury.

Section 35. That in the trial of cases before this Court, the accused shall have no right to demand a trial by jury, but the Judge shall determine both the law and the facts, without the intervention of a jury, and shall award such punishment in misdemeanor cases as the character of the offense may demand, and render such judgment in other cases as in his judgment may seem right and proper, and in the trial of misdemeanor cases no statement of the offense need be made other than that contained in the affidavit and warrant of arrest.

Section 36. That appeals from judgments rendered in said Court in cases over which this Court has final jurisdiction may be taken by the defendant in misdemeanor cases and by either the plaintiff or defendant in civil cases to the Bessemer Division of the Circuit Court of Jefferson County, Alabama, within five days after the rendition of said judgment, except as herein otherwise provided, in the manner as is provided by law for appeals to be taken from justice of peace courts of this State to Circuit Courts of this state and a jury may be had on demand of the defendant in misdemeanor cases, and on demand of either party in civil cases as provided by law, and all appeals taken as herein provided for shall be tried de novo and be preferred cases in said Circuit Court and shall be governed in all respects by the rules and regulations provided by law for the trial of appeals in Circuit Courts from justice of the peace courts of this State, insofar as the same may be applicable.

Section 37. That the Judge of said Court has the power and authority to require the sheriff of said County, or one of his deputies to attend upon the sessions of said Court; and shall have all the power and authority inherent in the Judge of a court of law and conferred

by the general statutes of the State in reference to bonds, commitments and recognizances.

Section 38. That the judgment in case of conviction in cases tried by said Court may be in substantially the following form: The State against A. B. (here state the offense charged by name) On hearing the evidence the Court is satisfied of the guilt of the defendant and awards the following punishment (here state the punishment) and the costs of the proceedings ----- Judge Bessemer Civil and Misdemeanor Court. If the defendant is acquitted the judgment must be that the defendant is discharged. In preliminary hearings in felony cases and in the trial of civil cases the judgment must conform as nearly as practicable to judgments in such cases in justice courts of this State.

Section 39. If the defendant fails to appear as required by his bond and a forfeiture is taken on said bond, said forfeiture may be in the following form: State of Alabama vs. A. B. Defendant, C. D. and E. F., his Sureties. In Bessemer Civil and Misdemeanor Court ----- day of -----, 19-----. In this cause A. B. failing to appear and answer the charge against him (here set out the offense) a judgment is rendered against him and his sureties, to-wit: ----- for ----- dollars. (The amount of the penalty of the bond) in favor of the State of Alabama, for the use of Jefferson County, unless they appear on ----- (here set the date) and show cause to the contrary; and it is ordered that notice issue to them.

Section 40. That any prosecution in said Court, if it appears to the Court that such prosecution is frivolous or malicious, the Court shall after hearing the facts render summary judgment and tax the prosecutor or the person who made the complaint or affidavit with the costs, and when the costs are imposed on the prosecutor or person who made the complaint or affidavit he may confess judgment for the same with good and sufficient sureties, and failing to do so or presently pay the same, such person must be imprisoned in the county jail or sentenced to hard labor for Jefferson County for the payment of same for such a term as may be required to pay the same not to exceed ten days.

Section 41. That on the passage and approval of this Act all offices of justice of the peace and notary public ex-officio justice of the peace and Inferior Courts in lieu of Justices of the Peace in precincts 2 and 33 of Jefferson County are abolished, and after the passage and approval of this Act no other justice of the peace or notary public ex-officio justice of the peace shall be elected or appointed in said precincts 2 and 33 of Jefferson County.

Section 42. That the provisions of this Act shall not take away any jurisdiction or power from any Inferior Civil Court or Inferior Criminal Court established in a place other than in the City of Bessemer, Alabama, or that may be hereafter established in a place other

than in the City of Bessemer, Alabama, neither shall the provisions of this Act take away any jurisdiction or power from the Domestic Relations or Juvenile Courts of this County. Provided further, that in no event shall the territorial jurisdiction of the Court hereby created extend over or be construed to include territory beyond that that is or may hereafter be included in the territorial jurisdiction of the Circuit Court of Jefferson County, Alabama, sitting at Bessemer in said County.

Section 43. That all laws, general, special or local in conflict with the provisions of this Act are hereby repealed.

Section 44. That this Act shall take effect upon its due passage and approval.

Section 45. That if any section, clause or provision of this Act shall be held to be unconstitutional and void or ineffective, it shall in no wise affect any other section, clause or provision not unconstitutional and void or ineffective in itself.

Approved July 29, 1947.

No. 230)

(S. 231—Lowe

### AN ACT

To authorize and provide for the payment of the sum of \$1800.00 out of any funds in the State Treasury to the credit of the Highway Patrol Fund for the relief of A. S. Logel, to reimburse him for hospital, doctor and medical bills, and for the permanent loss of the sight of his right eye, by reason of an accident occurring on the 19th day of March, 1944, while the said A. S. Logel was employed by the State of Alabama as a member of the State Highway Patrol, and while he was acting in the line and scope of his employment as a patrolman.

*Be it Enacted by the Legislature of Alabama:*

Section 1. There is hereby appropriated out of any funds in the State Treasury to the credit of the Highway Patrol Fund the sum of \$1800.00 to be paid to A. S. Logel, for the relief of the said A. S. Logel, to reimburse him for hospital, doctor and medical bills and for the permanent loss of the sight of his right eye by reason of an accident occurring on the 19th day of March, 1944, while the said A. S. Logel was employed by the State of Alabama as a member of the State Highway Patrol, and while he was acting in the line and scope of his employment as a patrolman.

Section 2. The State Comptroller is hereby authorized and directed to issue his warrant upon the State Treasury for the amount set out in Section 1 of this Act, and the State Treasury shall pay to the said A. S. Logel such amount from any funds in the State Treasury to the credit of the Highway Patrol Fund.

Section 3. This Act shall take effect upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1947.

No. 232)

(S. 299—Patton)

## AN ACT

To amend Sections 3 and 4 of an Act entitled "An Act To create the office of County Solicitor of Limestone County, Alabama, to provide for the election of such officer by the qualified voters of said county, to prescribe his powers, duties and qualifications, provide for his compensation, fix the term of his office, provide for his election, the time of the election of his successor and to repeal all general and local laws in conflict herewith so far as they relate to said county" approved June 26, 1931.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Sections 3 and 4 of an Act entitled "An Act to create the office of County Solicitor of Limestone County, Alabama, to provide for the election of such officer by the qualified voters of said county, to prescribe his powers, duties and qualifications, provide for his compensation, fix the term of his office, provide for his election, the time of the election of his successor and to repeal all general and local laws in conflict herewith so far as they relate to said county" approved June 26, 1931, be amended so as to read as follows: "Section 3: The office of County Solicitor hereby created shall be clothed with the power and shall be charged with the duty to represent the State in all preliminary trials, in all the courts of Limestone County, and to represent the State in all habeas corpus proceedings where said causes are tried at the County seat; to assist and advise with the Circuit Clerk in preparing the grand jury docket of said County; to assist the Circuit Solicitor before each session of the grand jury of said County; to act for the Circuit Solicitor before each session of the grand jury of said County when necessary or when directed by the Circuit Solicitor; to attend and assist in the prosecutions of all criminal cases in the Circuit Court; and when requested by the Judge of any Court of said County possessing Juvenile jurisdiction, to attend sessions of such Court to represent the interest of the State of Alabama; and he shall, also, whenever requested so to do by the sheriff, assist the sheriff in investigations of crimes committed in Limestone County, Alabama; "Section 4. The County Solicitor of Limestone County, Alabama, shall be paid a salary of one thousand and eight hundred dollars (1,800) per. annum, which salary shall be paid out of the general fund of the county, in equal monthly installments as the salaries of county employees are paid."

Section 2. This Act shall take effect on the first day of the calendar month next succeeding its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 1, 1947.

No. 236)

(H. 222—Cole and Brassell)

## AN ACT

To establish a City Commission for the City of Phenix City, Alabama, to provide for the appointment and election of the President and Mayor and members thereof and to prescribe and fix their duties; powers and re-

sponsibility and to fix their compensation; to provide for a Clerk of said Commission, fix his duty and compensation; to provide for the election or appointment of a City Attorney and a City Treasurer and to provide for their duties and compensation; to authorize the employment of a City Manager by said Commission and to provide for the officers and employees of said City and repeal all laws in conflict with the provisions of this Act.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That there be and is hereby created a commission form of government for the City of Phenix City, Alabama, to consist of Five members to be known and called "The City Commission of the City of Phenix City, Alabama."

Sction 2. The City of Phenix City shall be divided into Five city commission districts to be numbered 1, 2, 3, 4 and 5 which are respectively described and bounded as follows: Commission District Number 1. Beginning at a point where the center line of the right of way of the Central of Georgia railroad running from Columbus, Georgia to Opelika, Alabama, crosses the boundary line dividing the State of Alabama and the State of Georgia and from said starting point, running thence in a Northerly direction along the boundary line dividing the State of Alabama and the State of Georgia to the Northeast corner of the City limits of the City of Phenix City; thence in a Westerly direction along the North boundary line of the City of Phenix to the center line of the Summerville Road; thence in a Southerly direction along the center line of the Summerville Road and Seventh Avenue to the point of intersection of the center line of Seventh Avenue with the center line of said right of way of the Central of Georgia Railroad; thence in an Easterly direction along the center line of said right of way of the Central of Georgia Railroad to the point of beginning. Commission District Number 2. Beginning at a point where the center line of Seventh Avenue intersects the center line of the right of way of the Central of Georgia Railroad running from Columbus, Georgia to Opelika, Alabama, and from said starting point running thence in a Northerly direction along the center line of Seventh Avenue to Summerville Road and thence along center line of Summerville Road to the North boundary line of the City of Phenix City; thence in a Westerly direction along the North boundary line of the City of Phenix City to the Northwest corner of the City limits of City of Phenix City; thence in a Southerly direction along the West boundary line of the City limits of the City of Phenix City to the center line of the right of way of the Central of Georgia Railroad; thence in an Easterly direction along the center line of the right of way of the Central of Georgia Railroad to the point of beginning. Commission District Number 3. Beginning at a point where the center line of Fourteenth Street bridge leading from the City of Phenix City into the City of Columbus, Georgia, crosses the boundary line dividing the State of Alabama and the State of Georgia and from said starting point running thence in a Northerly direction along the boundary line dividing the State of Alabama from

the State of Georgia to the point where the center line of the right of way of the Central of Georgia Railroad running from Columbus, Georgia to Opelika, Alabama, crosses said boundary line dividing the State of Alabama from the State of Georgia; thence in a Westerly direction along the center line of the right of way of said Central of Georgia Railroad to the West boundary line of the City limits of the City of Phenix City, Alabama, thence in a Southerly direction along the West boundary line of the City limits of the City of Phenix City to the center line of the Crawford Road or Fourteenth Street; thence along the center line of said Crawford Road and Fourteenth Street to the point of beginning. Commission District Number 4. Beginning at a point where the intersection of the bed of Holland Creek crosses the boundary line dividing the State of Georgia and the State of Alabama, from said starting point run thence in a Northwesterly direction along the center line of the run of Holland Creek to the point where said Holland Creek intersects Tenth Avenue; thence up Tenth Avenue to the center line of the intersection of said Tenth Avenue and Twelfth Street; thence in a Westerly direction from said point marking the center line of the intersection of Twelfth Street and Tenth Avenue run thence directly West to the West limits of the City of Phenix City; thence in a northerly direction along the West boundary of the City of Phenix City to the center line of Fourteenth Street; thence in an Easterly direction along the center line of Fourteenth Street or Crawford Road to the Georgia-Alabama State line; thence in a Southerly direction along the Eastern boundary of the State of Alabama to the center line of Holland Creek and the point of beginning. Commission District Number 5. Beginning at the center of the bed of Holland Creek at the point where the same crosses the boundary line of the State of Georgia and Alabama, run thence in a Northwesterly direction along the center line of Holland Creek to the point where the same intersects Tenth Avenue; thence in a Northerly direction along Tenth Avenue to the point where the center line of Tenth Avenue and the center line of Twelfth Avenue intersect; thence from said point run West to the West limits of the City of Phenix City; thence in a Southerly direction along the West boundary of the City of Phenix City to the Southwest corner thereof; thence in an Easterly direction along the Southern boundary of the City of Phenix City to a point where the same intersects the Chattahoochee River and the West boundary of the State of Georgia; thence up the boundary line of the State of Georgia and Alabama to the center line of Holland Creek and the point of beginning.

Section 3. On approval of this Act by the Governor or its becoming a law, the Legislature of the State of Alabama shall forthwith nominate members of said Commission for commission districts 1 and 5, said nominated citizens to be appointed as members of said Commission by the Governor to serve on the City Commission created by this Act until the first Monday in October, 1947 and until their successors have been duly elected and qualified.

Section 4. That the members of the Board of Commissioners of the City of Phenix City, Alabama, whose terms of office expire on the First Monday in October, 1947, and the First Monday in October, 1949, respectively, be and they are hereby appointed to serve in Commission districts numbers 3 and 4, in which they respectively reside, for a term respectively ending the First Monday in October, 1947, and the First Monday in October, 1949, being the terms of office for which they were elected under the present form of government of said City prior to the adoption of this Act and upon the expiration of their terms of office a successor shall be elected who shall hold office for a period of Three years and until their successors are elected and qualified; that the member of said Board of Commissioners of the City of Phenix City, Alabama, whose term of office expires on the First Monday in October, 1948, be and he is hereby appointed a member of said City Commission from commission district number 2 to hold office until the First Monday in October, 1948, and until his successor is elected and qualified and his first successor shall hold office until the first Monday in October, 1949, and thereafter the successor to said office shall be elected for a term of Three years.

Section 5. That at the general municipal election to be held on the Third Monday in September, 1947 there shall be elected a member of said City Commission of the City of Phenix City for each of said commission districts numbers 1, 3 and 5, and the persons elected to said office as members of said commission shall hold office for a period of Three years and until their successors are elected and qualified.

Section 6. That after the expiration of the terms of office of the members of said commission hereby created have expired in the succession in which their terms expired in Sections 3, 4 and 5 and then each member of said Commission thereafter elected shall hold office from the First Monday in October in the year in which they are elected and for a period of Three years from the First Monday in October in the year in which they are elected.

Section 7. That each member of said Commission shall be a qualified elector of said City and shall reside in the respective districts which they shall represent on said Commission, and to which they have been elected by the qualified electors of said City.

Section 8. Should a vacancy occur on said Commission the remaining members of said Commission shall elect or appoint a successor who shall hold office until the next general municipal election, at which time a successor thereto shall be elected to the unexpired term therefor.

Section 9. In all elections each office of member of said Commission to be filled shall be designated Member of City Commission being designated as such for commission districts number 1, 2, 3, 4 and 5, respectively, and this shall be shown on the ballot prepared for such election. In filing statement of candidacy each candidate shall designate for which commission district he desires election. At every

election each voter shall vote for only one candidate for each office and the candidate receiving the highest number of votes for such office shall be elected, provided he receives a majority of all votes cast for such office. In case no one of such candidates shall receive a majority of such votes cast for the office for which he is a candidate another election shall be held on the same day of the following week for said office at which the two candidates receiving the highest number of votes at the initial election for said office shall be voted for. The candidate receiving the highest number of votes at such final election shall be declared elected. Each candidate for membership of said Commission shall file declaration of candidacy at least Twenty days before the general election, stating name, office for which he is a candidate, and signed by at least One Hundred qualified electors of said City.

Section 10. The City Commission created by this Act shall have, possess and exercise the municipal powers, legislative, executive and judicial, now or hereafter conferred upon municipal governmental bodies and all laws governing the City of Phenix City, and not inconsistent with the provisions of this Act, shall apply to and govern said City after it shall become organized under the Commission form of government provided by this Act. All laws, ordinances and resolutions lawfully passed and in force in Phenix City under its former organization, not inconsistent with the provisions of this Act shall remain in force until altered or repealed according to the provisions of this Act. All employees and all officers whose terms of office are abolished by this Act shall continue to hold office until otherwise provided for by said City Commission.

Section 11. All boards and commissions heretofore created having to do with the operation of the City Government of the City of Phenix City, Alabama, be and the same are hereby abolished except the management and control of the Phenix City public schools which shall remain vested in the Board of Education of said City as provided by law.

Section 12. The City of Phenix City shall be governed and managed by the City Commission as herein provided and each and every officer and employee of said City and such other officers and employees as designated in this Act shall be selected and employed by said City Commission, who shall fix their salaries and wages to be paid each employee and officer of said City and said City Commission shall prescribe and may at any time change the powers, duties and title of all subordinate officers and employees of said City, all of whom, except those herein otherwise specified, shall hold office and be removable at the pleasure of said City Commission.

Section 13. Immediately upon the passage and approval of this Act, and upon its becoming law, and the appointment of the members of said Commission as herein provided, the members thereof shall immediately meet and elect a chairman who shall be ex officio mayor and president of said City Commission and he shall exercise the duties



of Mayor of said City in accordance with the provisions of this Act. Said Commission shall designate the different departments of said City which shall be under the immediate jurisdiction of each of said members thereof and shall be as follows: department of finance; department of education; parks and recreation; department of sanitation and streets; department of water-works and public utilities; department of public safety, except that the President of said Commission shall always be chairman or head of the department of public safety.

Section 14. The City Commission of the City of Phenix City is hereby authorized, at its discretion, to employ a City Manager, prescribe his authority, duties and powers, fix his liabilities, term of office not to exceed one year, fix his compensation, said authority, powers and duties of said City Manager to be determined by ordinance or resolution spread upon the minutes of said Commission. The City Manager so employed need not be a resident or qualified elector of the City.

Section 15. The City Commission shall immediately upon their election or appointment select a City Clerk, City Treasurer and City Attorney, each of whom shall hold office until the first Monday in October, 1947, and thereafter until their successors shall be elected or appointed, and thereafter for one year from the date of their election or appointment and until their successors are elected or qualified, and shall be paid such compensation as may be determined by said City Commission and the office of City Clerk and City Treasurer may be held by one person, in the discretion of said City Commission.

Section 16. The City Commission of said City shall hold regular meetings on Tuesday of each week, at some regular hour to be fixed by said Commission from time to time, and it may hold such adjournment, called and other meetings as may be necessary and convenient. The President of said Commission, when present, shall preside at all meetings of said Commission and vote on all matters, but shall have no veto power. A majority of the total number of the members of said Commission shall constitute a quorum for the transaction of any and every business to be done by said Board and for the exercise of any and every power conferred upon it; and the affirmative vote of a majority of the total number of members of said board shall be necessary and sufficient for the passage of any resolution, by-law or ordinance, or the exercise of any powers conferred upon it by the terms of this Act or that may be hereafter conferred upon it by law. This provision shall not be construed, however, so as to prevent the said board from delegating or assigning to one or more of its members or to such boards, commissioners, officers or employees as may be created or selected by it, the performance of such executive or judicial duties and powers that are by this Act vested in said Commission, as may be necessary or convenient, provided the same is done by resolution, by-laws or ordinance duly enacted according to the terms of this Act, where not otherwise provided. All meetings of the Commission shall be open to the public. No regulations, by-laws

or ordinance granting any franchise, appropriating any money for any purpose, providing for any public improvements, enacting any regulations concerning the public comfort, public safety or public health or of any other general or permanent nature shall be enacted, except at a regular or adjourned public meeting of said board, provided that a meeting of the Commission may be called at any time to consider and act upon any emergency that involves the public safety, or public health when not otherwise herein provided. Every motion, resolution or ordinance introduced at any and every such meeting shall be reduced to writing and read before any vote thereon shall be taken and the Yeas and Nays thereon shall be recorded, a record of the proceedings of every such meeting shall be kept in a well bound book and every resolution and ordinance passed by the Commission must be recorded in such book and record of the proceedings of the meeting to be signed by at least three of the members of the Commission and the City Clerk before the action taken shall be effective, such record shall be kept available for inspection by all citizens of this city, at all reasonable times. The City Clerk shall keep a record of all the proceedings of said City Commission and of all the records required to be kept by the laws or by orders of said Commission.

Section 17. No ordinance granting any franchise, lease, or right to use the public highways or public property of the City of Phenix City shall take effect and be in force until Thirty days after the final enactment of the same by said Commission and publication of said ordinance as provided by law, which publication shall be made at the expense of the persons, firm or corporation applying for said grant.

Section 18. The salary of each member of said Commission shall be One Thousand and Two Hundred Dollars per year, payable by the City whatever time the member serves in equal monthly installments for on the first day of each month, except that the President or Mayor shall be paid One Thousand Five Hundred Dollars annually in monthly installments.

Section 19. The Commission shall elect a Recorder or Municipal Judge, the Recorder hereunder shall have the powers and duties now or hereafter provided by law. The salary of the recorder shall be determined by the Commission. Every person appointed or elected to this office shall, beginning on the First Monday in October, 1949, be learned in the law and nothing herein contained shall be a restriction upon his right to practice his profession.

Section 20. Each member of said Commission shall, before entering upon the duties of his office, give a good and sufficient bond, which shall be executed by a bonding company authorized to do business in Alabama, payable to and for the use and benefit of such City, in the sum of Five Thousand Dollars, conditioned upon the faithful discharge of his duties, and that he will save such city harmless from all loss caused by his neglect of duty, misfeasances in office or for the willful expenditure of any moneys of the City of Phenix City in violation of law and said bond before being accepted shall be approved by the

Judge of Probate in and for the County of Russell and State of Alabama. The premium on such bond shall be paid out of the City Treasury. No member of the Commission nor any person holding an office of profit under them, shall hold any office of profit or trust of any state of the United States or hold any county office.

Section 21. At the end of each fiscal year the books and accounts of the City of Phenix City shall be audited by a reputable disinterested accountant and such reports shall be certified to by the City Clerk and attested by the members of the commission and published in pamphlet form, and printed copies furnished to the newspapers of the City of Phenix City and to persons who apply therefor.

Section 22. Should any clause, paragraph or provision of this Act be declared unconstitutional or void by any court of competent jurisdiction it shall not affect the remaining provisions of this Act unless so declared by said Court.

Section 23. Immediately upon the passage and approval of this Act and the appointment of the Commissioners herein provided for the Board of Commissioners of the City of Phenix City, Alabama, shall immediately turn over to the City Commission hereby created all books, papers, records, property, money and effects of said City to the Commission hereby created.

Section 24. Should the corporate limits of the City of Phenix City, Alabama, be extended after the adoption of this Act then the City Commission be and it is hereby authorized to extend the commission districts hereby created so far as to include the territory adjacent to said commission districts in the respective districts adjoining thereto, said extension to be shown by Resolution or ordinance spread upon the minutes of said City and published at least once in a newspaper published in said City.

Section 25. This Act shall go into effect immediately upon its passage and approval by the Governor or its becoming law.

Section 26. All laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved July 29, 1947.

No. 237)

(H. 512—Meeks, Beatty, Sadler, Dumas,  
Gibson, Adams (Jefferson), Kaul.

#### AN ACT

To amend Local Act No. 334 of the 1945 regular session of the Legislature of Alabama (Local Acts 1945, page 144, et sequitur), and to give retrospective operation to one or more amendments.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Local Act No. 334 of the 1945 regular session of the Legislature of Alabama (Local Acts 1945, page 144, et sequitur) be, and the same hereby is, amended so as to read as follows:

**Section 1. Repeal.** Subject to the provisos of Section 2 of this Act, Act No. 24 of the extra session of the Legislature of 1936-1937, approved January 26, 1937 (Acts of 1936-1937, page 20), and Act No. 512 of the regular session of the Legislature of 1939, approved September 21, 1939 (Acts 1939 page 795) and Subdivision 10 of Article 16 of Chapter 4 of Title 62 of the 1940 Code of Alabama (Title 62, page 322) are hereby expressly retrospectively repealed as of the respective effective dates thereof, and Sections 3 to 25, both inclusive, of this act retrospectively substituted in lieu of said repealed statutes as provided in Section 2.

**Section 2. Substitution; Retrospective Operation.** The sections of this act numbered consecutively from 3 to 25, both inclusive, comprise a system to be known as City of Birmingham Retirement and Relief System and otherwise hereinafter as "the system", and said sections 3 to 25, both inclusive, comprising the system, are hereby retrospectively and prospectively substituted in lieu of the statutes described in Section 1 and, subject to the provisos hereinafter in this section contained, shall be read, construed and have retrospective operation and effect as though enacted on the 26th day of January, 1937, and as though none of the statutes described in Section 1 had ever existed. Consistently, and subject to said provisos, every act, proceeding and transaction heretofore had, done, accomplished or attempted under any statute described in Section 1 shall be construed and deemed an act had, done, accomplished or attempted under the system, and the validity and effect thereof so measured and governed, and, without limiting the generality of the foregoing, but still subject to said provisos, every contribution, return of contribution, refund, loan, investment, receipt, disbursement, debt, liability, contract, transaction and business to, from, of, with or affecting the pension and relief fund under any statute described in Section 1 shall be construed and deemed as a contribution, return of contribution, refund, loan, investment, receipt, disbursement, debt, liability, contract, transaction or business to, from, of, with or affecting the retirement and relief fund under the system. The foregoing provisions of this section and of Section 1 shall be subject to the following provisos: (a). Any sentence of the system which contains the phrase "September 19, 1939" shall be read, construed and have operation and effect as though enacted for the first time on September 19, 1939. (b). Any sentence of the system which contains the phrase "July 1, 1945," shall be read, construed and have operation and effect as though enacted for the first time at July 1, 1945. (c). The legal effect of any payment heretofore made by any pension and relief or retirement and relief fund referred to in this act shall be measured by the law as it actually existed at the time of such payment, and any debt or liability, whether for return of contributions or otherwise, discharged by

any such payment shall not be revived by anything contained in the system and shall not constitute the basis of any claim under the system against the retirement and relief fund provided for in this act. (d). The rights of any person who at July 1, 1945, is on the disability roll under any statute described in Section 1 of this act shall continue to be measured and governed by the provisions of such statute, and not by any provision of the system, until he may return to active duty for the City of Birmingham, and the retirement and relief fund provided as a part of the system shall secure such rights. In the event any person referred to in this proviso shall return to such active duty after July 1, 1945, his rights with respect to any subsequent disability, though arising from the same cause as his former disability, shall be measured and governed by the provisions of the system. For the purpose of this proviso, any employee of Jefferson County Board of Health on said roll at any time prior to July 1, 1945, shall be deemed, constructively, an employee of City of Birmingham during all his time in the service of said Board of Health. (e). The rights of any person who may have retired from the service of City of Birmingham, either voluntarily or involuntarily, after September 1, 1939, and prior to July 1, 1945, and who may have been heretofore allowed retirement benefits under the statutes actually in existence at the time of such retirement shall, during continuance of such retirement, continue to be measured and governed by the terms of the statute so in existence at the time of such retirement and not by any provision of the system, and should such person die during continuance of such retirement the rights of any widow of such person shall be measured and governed by the terms of the statute or of the system in effect at the time of death of such person, and the retirement and relief fund provided as a part of the system shall secure such rights of such person and such widow. (f). The rights of any person who may have become separated from the service prior to July 1, 1945, and who is not an employee member at or after July 1, 1945, and the rights of any privies of such person except as otherwise provided in proviso (e) of this section, shall be measured and governed by the statutes in existence at the time of such separation and not by any provision of the system.

Section 3. Purpose of the System. The general purpose of the system embraced in Sections 3 to 25, both inclusive, of this act is the governmental one of promoting efficiency of employees in the service by partially relieving their minds of harassing fear of the consequences of loss of employment through disability, old age and otherwise and by furnishing trained employees a partial incentive to remain in the service during their years of presumptively increasing efficiency and a partial incentive to voluntarily

retire and be replaced during their years of presumptively declining efficiency.

Section 4. Definitions. The following words, terms and phrases, wherever used in this act, including this section, shall have the meanings respectively ascribed to them in this section, unless the context plainly indicates otherwise or that a more restricted or extended meaning is intended. "City of Birmingham Retirement and Relief System." The system provided by, and comprised within, Sections 3 to 25, both inclusive, of this act. "The system." City of Birmingham Retirement and Relief System. "The City." City of Birmingham, a municipal corporation. "The fund." The retirement and relief fund provided for as a part of the system, and shall include assets in the form of money and in other forms. "Employee". A human being between whom and the City there exists the technical relationship of employer and employee, whether such person be employed through the principal governing body of the City or through a subsidiary body such as a park board or library board. "Qualified employee." An employee of the City other than (1) an officer elected by the people or (2) a common laborer or (3) an employee whose employment affirmatively contemplates actual active duty or service for the City upon less than sixteen days per calendar month regularly or (4) a member of a board such as a library, park or zoning adjustment board whose employment contemplates actual active duty or service for the City upon intermittent business days regularly and not upon successive business days regularly. "Employee member." A person who is simultaneously a qualified employee and a member of the system. "In the service". In the service of the City. A person shall be deemed in the service of the City while the technical relationship of employer and employee subsists between him and the City. "In the classified service." In the classified service as defined in any civil service statute or rule now or hereafter applicable to the City. "Salary." Money remuneration of a qualified employee for time in the service. "Payroll period." A period of time for which a payment of salary is ordinarily made to or for or to and for a qualified employee. "Earnable daily rate." The monthly rate of money compensation of a qualified employee as fixed by the governing body of the City or other authorized public authority, divided by thirty. "Salary days." Such number of days of a payroll period as equals the actual amount of salary paid to or for or to and for a qualified employee for time in the service in such payroll period, divided by the daily earnable rate of such qualified employee for such payroll period. "Paid membership time." The aggregate of salary days of an employee member from the salary for which deduction is made for the fund. Three hundred sixty salary days shall con-

stitute a year of paid membership time, but this shall not be construed to mean that less than 365 actual days may be counted as a year of creditable time. "Prior service time." Time of a qualified employee in the service prior to September 1, 1937, except time in the service prior to September 1, 1937, for which the employee may have received no service pay from the City. "Creditable time." The creditable time of an employee member who may be such employee member on September 1, 1937, or within six months thereafter, shall include all his prior service time as a qualified employee and all his paid membership time, and the creditable time of any other employee member shall include only his paid membership time. "Final Average Salary". The final average salary of any employee for purposes of computation of retirement or disability allowance shall be the total amount of his salary for such period of five years of consecutive creditable time as may be most favorable to him, divided by sixty; provided, however, that if, because of fault, misconduct or inefficiency upon his part, an employee shall have been demoted more than five years prior to date of his retirement or date of commencement of his disability, as the case may be, such most favorable period shall be subsequent to date of demotion, and provided, further, that if an employee shall have been demoted for such cause within five years of date of his retirement or date of commencement of his disability, as the case may be, or if he do not have five years of consecutive creditable time, his final average salary shall be the total amount of his salary for the five years of his creditable time next preceding date of his retirement or date of commencement of his disability, as the case may be, divided by sixty. "Beneficiary." One in whose favor monetary liability against the fund is accruing on account of retirement, widowhood or disability. "Severance nominee." One designated as such under Section 17 of this act. "The Board". The Board of Managers provided for in the system. "The City Comptroller." The employee of the city whose duties are those of treasurer or chief financial employee. "The custodian." The custodian of the fund. "The personnel board." The board of control of any civil service system provided for the City by Statute, or, if at any time there be no such board of control, the principal governing body of the City. "The personnel director." The personnel director provided for the City by statute, or, if there be no such personnel director, the city clerk, the custodian or another as the Board may determine. "Gender". The masculine gender shall include the feminine.

Section 5. Classified Service Membership. Every qualified employee in the service in the classified service on or after or on and after September 1, 1937, including every qualified employee in the service of the police and fire departments in the classified

service and not hereinafter in this section excepted, shall be, and shall be deemed, mandatorily, a member of the system during all his time in the service in the classified service as a qualified employee, except that no member of the policemen's pension and relief plan provided by Act No. 502 of the 1923 session of the Legislature (Acts 1923, page 663), as the same may have been, or may be, amended or codified, and no member of the firemen's pension and relief plan provided by Act No. 389 of the 1935 session of the Legislature (Acts 1935, page 847), as the same may have been, or may be, amended or codified, shall be a member of the system.

Section 6. Same. No person who may enter the service on or after September 19, 1939, whether in the police or fire department or not, shall become a member of the aforesaid policemen's pension and relief plan or of the aforesaid firemen's pension and relief plan, but shall become a member of the system if a qualified employee in the classified service, provided, however, that in the event of reentry into the service of the police department of a former member of said policemen's plan he shall again become a member of said policemen's plan if otherwise eligible for membership therein, and that in the event of reentry into the service of the fire department of a former member of said firemen's plan he shall again become a member of said firemen's plan if otherwise eligible for membership therein. In the event any member of such policemen's plan or firemen's plan be transferred within the service to a department other than the police or fire department he shall become a member of the system, and all his contributions to such policemen's or firemen's plan after September 1, 1937, plus matching contributions of the City, shall be transferred to the fund of the system.

Section 7. Unclassified Service Membership. Every qualified employee in the service in the unclassified service on September 1, 1937, may elect within fifteen days after September 1, 1937, to become a member of the system, and in the event of such election within said fifteen days, the elector shall become an employee member as of September 1, 1937. It shall be sufficient evidence of such election that proper deduction be made for the fund from the salary of the qualified employee for the payroll period which includes September 1, 1937, without written protest from the qualified employee to the city comptroller within thirty days from expiration of such payroll period, and it shall be conclusive evidence of nonelection if no such deduction be made for such payroll period and the employee do not protest in writing to the city comptroller against absence of such deduction within thirty days after expiration of such payroll period. Any such employee who may become a member of the system by election under this section may, by election, withdraw from membership while remain-



ing in the service at any time before entry into the classified service. Such election to withdraw shall be made known to the custodian, and the withdrawing elector shall cease to be a member of the system at the end of the payroll period in which such election is made known to the custodian, and, upon such election to withdraw and cessation of membership, he shall be entitled to return from the fund of all sums deducted from his salary and paid into the fund as contributions, without interest, less any amount theretofore paid him as disability relief benefits. Acceptance of return of contributions while remaining in the service shall be conclusive evidence of election to withdraw from membership. Any employee member who shall withdraw from membership under this section while remaining in the service shall not have an option to reenter the system, and should he thereafter reenter the system by virtue of Section 5 of the system he shall not be entitled to count as creditable time any time subsequent to September 1, 1937, and prior to such reentry. For the purpose of election under the preceding provisions of this section, qualified employees of the Jefferson County Board of Health at September 1, 1937, shall be deemed, constructively, qualified employees of the City at September 1, 1937, in the unclassified service, and any such constructive employee of the City at September 1, 1937, may elect at any time within fifteen days after September 1, 1937, to become a member of the system under said preceding provisions. Any such constructive employee of the City who may so elect shall be deemed, constructively, an employee of the City, and said Board of Health a subsidiary board or department of the City, during all the time, past or future, during which he may have been, or may be, an employee of said Board of Health, and all the retrospective and prospective terms of the system shall apply to him as fully and restrictively and with like effect as though he were actually an employee, and said Board of Health actually a subsidiary board or department, of the City during all such time. After July 1, 1945, it shall be the duty of said Board of Health, as an independent agency, and not as a subsidiary board or department of the City, to make deductions for the fund, and make matching and other contributions to the fund, in respect of every such constructive employee of the City, for and during all his time of membership in the system after July 1, 1945, in all respects as it is made the duty of the City to make deductions and matching and other contributions in respect of its true employees.

Section 8. Transfers between Classified and Unclassified Service. (a) Any person who may at any time enter or be a member of the system by virtue (among other things) of being in the classified service shall remain a member of the system so long as he shall remain in the service as a qualified employee, notwith-

standing he may cease to be in the classified service, provided, however, that any such person who may cease to be in the classified service may file a written declaration with the city comptroller that he elects to withdraw from membership, and, upon the filing of such declaration, he shall cease to be a member of the system. (b) Any employee member who, while a member of the system by election under Section 7, is transferred from the unclassified service to the classified service as a qualified employee, shall lose any option to withdraw from membership, and shall remain a member of the system in all respects as though he had originally entered the system by virtue of Section 5. (c). Any employee in the unclassified service who, while not a member of the system, is transferred from the unclassified service to the classified service as a qualified employee and becomes an employee member by virtue of Section 5 shall not be entitled to count as creditable time any time subsequent to September 1, 1937, and prior to thus becoming an employee member.

Section 9. Retirement and Relief Fund. At the end of each pay-roll period within the first twelve months after August 31, 1937, the City shall deduct from the salary of each employee member for such pay-roll period an amount equal to three per centum (3%) of his salary for such pay-roll period, and at the end of each pay-roll period after said twelve calendar months the City shall deduct from the salary of each employee member an amount equal to six per centum (6%) of his salary for such pay-roll period, provided, however, that, for the purpose of such deductions, no employee shall be deemed to earn, or to have earned, salary at a rate in excess of three hundred dollars (\$300.00) per month. The proviso of the next preceding sentence, hereinafter referred to as the "three hundred dollar proviso", shall not have any past or future application to any employee member who shall, or shall have, become subject to the four hundred dollar limitation under or in accordance with the provisions of sub-division (a) or subdivision (b) of this section next following. (a). For the purpose of deductions from salary, an employee member who shall be, or shall have been, an employee member at July 1, 1947, and who shall not elect, or shall not have elected, in the manner and within the time hereinafter provided, to remain subject to said three hundred dollar proviso, shall be deemed to earn, or to have earned, at all past and future times, salary at his actual rate of salary, but in no event at a rate in excess of four hundred dollars (\$400) per month. The amount of any deficiency of deductions from the salary of any employee member for the period from September 1, 1937, to September 1, 1947, resulting from operation of the next preceding sentence, shall be a liability of such employee member to the fund, and at the end of each payroll period ending after September 1, 1947, the City, in addition to deductions hereinabove provided for, shall deduct from the salary of such employee member for each such payroll period

ending after September 1, 1947, an amount equal to eight and one-third per centum ( $8\frac{1}{3}\%$ ) of such deficiency until such deficiency shall have been fully cured. Any employee member liable for any such deficiency or balance thereof may cure the same by direct payment into the fund of the amount thereof, to be matched by his employer as though such payment were a deduction from his salary, but if such deficiency be not cured in one or more of the manners hereinabove provided, it shall be cured as provided in Section 19. Any employee member who shall be, or shall have been, an employee member at July 1, 1947, may file with the City Comptroller at any time within sixty days after July 1, 1947, a written declaration to the effect that he elects to remain subject to the aforesaid three hundred dollar proviso, and in the event he so files such declaration he shall remain subject to said three hundred dollar proviso, and the preceding sentences of this subdivision (a) shall have no application to him. (b) For the purpose of deductions from salary, an employee member who shall be such employee member after July 1, 1947, and who shall not be, or shall not have been, such employee member at July 1, 1947, shall be deemed to earn, or to have earned, salary at his actual rate of salary, but in no event at a rate in excess of four hundred dollars (\$400) per month. The City shall promptly pay each and every deduction hereinabove provided for into a retirement and relief fund (herein referred to as "the fund"), and such deduction so paid into the fund shall be known as a contribution of the employee member to the fund. At the same time the City pays into the fund any deduction from the salary of an employee member, the City shall also pay into the fund from its general or other appropriate funds a matching contribution of equal amount. The city comptroller is specifically charged with the duty of making such deductions from salaries and of making such payments into the fund. The fund shall include all assets of the fund in any form, and the City comptroller shall be, ex-officio, the custodian of the funds. The custodian shall keep a separate account of the funds and of all assets and liabilities thereof and of all receipts and disbursements thereof and of all prior service time and paid membership time of employee members. The custodian shall keep all monies of the fund in a separate bank account. The custodian shall keep in force and effect a bond in a penal amount equal to the total amount of monies and securities in his custody or possession, but in no event in excess of fifty thousand dollars, payable to the Board and conditioned for faithful performance of his duties and for faithful accounting to the Board for all monies, securities and property coming into his custody or possession as such custodian. Such bond shall be executed by a surety company authorized to do business in the State of Alabama, and the premium on such bond, and all necessary expenses of the Board, shall be paid out of the fund upon order of the Board. All bonds and securities acquired for the fund and which are registerable as to principal shall

be registered by the custodian in the name of the system promptly upon acquisition and shall remain so registered until sold or otherwise disposed of by authority of the Board. The Board may select a banking institution located within the territorial jurisdiction of the City as subcustodian of securities, with authority to collect and remit to the custodian principal and interest of securities entrusted to its custody as the same may mature, and pay it such reasonable fees or compensation for its services as the Board may deem proper, and the Board may, if it sees fit, waive bond of such institution as subcustodian so long as the net worth of the subcustodian exceeds one and one-half times the total par value of the securities entrusted to its custody. Securities in the custody of such subcustodian shall not be counted as in the custody of the custodian for the purpose of computing the amount of the custodian's bond. The Board is authorized to accept and receive gifts, donations or legacies for the fund, and to administer same as may be directed by the donors. In the adjudication of claims against the fund, the records of the city comptroller and custodian made and kept for the purposes of this act shall be deemed, *prima facie*, to speak the truth.

Section 10. Refund of Erroneous Contributions. If measured by the provisions of the system, any amount shall be erroneously deducted from the salary of any person who is not a member of the system and paid into the fund, such amount shall be refunded to such non-member, and any erroneous matching contribution which may have been made to match the erroneous contribution of such non-member shall be refunded to the particular fund from which made.

Section 11. Bar of Claim of Creditable Time. In the event the City should, through error, inadvertence or otherwise, neglect to make proper deduction for the fund from the salary of any employee member for any pay-roll period, the employee member shall have a right to pay into the fund the amount which should have been deducted for such pay-roll period at any time within three months after expiration of such pay-roll period, together with interest thereon, at the rate of six per cent per annum, and to count the principal so paid as a salary deduction contribution. In the event of failure of such employee member to so pay within such time, he shall forfeit any right to so pay thereafter. In the event any tender of such payment within such time shall be refused, the employee member may, within three months after such refusal, institute mandamus proceedings to compel acceptance, and in such proceeding the court shall treat as included in the proceedings the question of right of the employee member to make contribution for any pay-roll period subsequent to the aforesaid pay-roll period and prior to date of its order for which proper salary deduction was not made. Nothing herein contained shall be construed to prevent the fund from recovering at any time, with six per cent per annum interest, any amount which should have been deducted for any pay-roll period but which was not deducted. Any

amount paid by an employee member under this section shall be matched by payment by the City into the fund of a like amount.

Section 12. Retirement Allowances. (a). Any employee member who shall be now or hereafter of the age of sixty or more years and who shall have now or hereafter accumulated fifteen or more years of creditable time, or any employee member who, regardless of age, shall have now or hereafter accumulated thirty or more years of creditable time, shall be entitled to voluntarily retire from the service and obtain a retirement allowance, and if, being so entitled to voluntarily retire and obtain a retirement allowance, he should voluntarily retire, or be involuntarily retired, from the service, he shall be entitled to a monthly retirement allowance from the fund as hereinafter in this subdivision (a) of this section specified. The monthly amount which shall be allowed any employee member who shall be entitled to a retirement allowance under this subdivision of this section, and who shall be, or shall have been, an employee member at July 1, 1947, shall be forty per centum (40%) of his final average salary, plus five sixths of one per centum ( $5\frac{5}{6}\%$  of 1%) of his final average salary multiplied by the number of years of his creditable time in excess of fifteen (15) years of his creditable time, but in no event shall such monthly retirement allowance exceed fifty two and one half per centum ( $52\frac{1}{2}\%$ ) of his final average salary. The monthly amount which shall be allowed any employee member who shall be entitled to a retirement allowance under this subdivision of this section, and who shall not be, or shall not have been, an employee member at July 1, 1947, shall be one and three fourths per centum ( $1\frac{3}{4}\%$ ) of his final average salary multiplied by the number of years of his creditable time, but in no event shall such monthly retirement allowance exceed fifty two and one half per centum ( $52\frac{1}{2}\%$ ) of his final average salary. The amount of any retirement allowance under this subdivision of this section shall commence to accrue at date of retirement. (b). Any employee member who shall not be entitled to voluntarily retire and obtain a retirement allowance under subdivision (a) of this section, and who may be involuntarily retired after having accumulated twenty (20) years of creditable time, shall be entitled to a monthly retirement allowance from the fund equal to one and three fourths per centum ( $1\frac{3}{4}\%$ ) of his final average salary multiplied by the number of years of his creditable time, but in no event shall such monthly retirement allowance exceed fifty two and one half per centum ( $52\frac{1}{2}\%$ ) of his final average salary. Anything hereinabove to the contrary notwithstanding, no retirement allowance shall be made or paid under this subdivision of this section to any person under sixty years of age unless, within sixty days after date of involuntary retirement or dismissal of such person, the personnel board or other agency governing tenure of service of employees of the City shall certify that such employee has not contributed by his own fault or misconduct to his separation from

the service. If such certificate shall be made within said time the amount of retirement allowance shall commence to accrue at date of involuntary retirement, and if such certificate shall not be made within said time, the amount of retirement allowance shall commence to accrue at age sixty, provided there be no withdrawal of contributions. Anything hereinabove to the contrary notwithstanding, a retirement allowance under this subdivision of this section shall not accrue or be payable for any period during which such involuntarily retired person shall refuse or fail to accept proffered employment in the service at compensation equal to that he was receiving at the time he was involuntarily separated from the service. (c). For the purpose of computing retirement pay, an employee shall be deemed to earn, or to have earned, salary at the same rate of salary as that which he shall be deemed to earn, or to have earned, salary for the purpose of deductions from salary under Section 9. The Board may treat the end of the payroll period next before actual date of retirement of an employee member as the date of his retirement for purposes of computation, and, and for such purposes, may disregard a fraction of a year of creditable time less than one fourth ( $\frac{1}{4}$ ). (d). Subject to the provisions of subdivisions (e) and (f) of this section, the amount of any retirement allowance which may have commenced to accrue in accordance with the provisions of the system shall continue to accrue throughout the life of such person. (e). If, after any person shall have retired or been retired as herein above in this section provided, and the amount of his retirement allowance shall have commenced to accrue, he should be re-employed in the service and again become a member of the system under the terms of the system, he shall again contribute to the fund as in the case of any other member, and accrual of the amount of his retirement allowance shall be suspended during the period of his renewed employee membership, and upon any subsequent voluntary or involuntary retirement from the service the amount of his former retirement allowance shall again commence to accrue at the same rate as formerly, and he shall be entitled to allowance of such additional amount, if any, as his additional paid membership time may have earned for him. (f). In the event of death of any male employee member after he shall have become entitled to voluntarily retire and obtain a retirement allowance his widow, at the time of his death, provided she has been married to him for five consecutive years while he was employed in the service of the City, shall be entitled to a monthly widow's allowance in an amount equal to forty per centum (40%) of the amount of monthly retirement allowance to which her deceased husband would have been entitled had he retired immediately before death; and in the event of death of any retired beneficiary in whose favor the amount of a monthly retirement allowance is accruing, his widow, at the time of his death, provided she was married to him for at least five years while he was in the service of the City, shall

be entitled to a monthly widow's allowance in an amount equal to forty per centum (40%) of the monthly amount of the retirement allowance accruing in favor of her deceased husband immediately prior to his death. (g). If an employee member be killed in the line of his duty after July 1, 1947, his widow, if any, without regard to the time during which the marriage existed, shall be entitled to a monthly allowance of twenty per centum (20%) of the final average salary of such employee member plus ten dollars (\$10.00) per month for each child of such widow by such deceased employee until such child shall die or reach the age of sixteen (16) years, whichever may first occur, and if such employee, killed in line of his duty, shall not have accumulated as much as five years of creditable time, such widow, if any, shall be entitled to a monthly allowance of twenty per centum (20%) of the monthly salary of such deceased employee at the time of the injury resulting in his death plus ten dollars (\$10.00) per month for each child of such widow by such deceased employee until such child shall die or reach the age of sixteen (16) years, whichever may first occur. (h). The amount of a widow's allowance, provided for in (f) and (g) above, shall commence to accrue at the death of her husband, and shall continue to accrue to the time of her death or remarriage, whichever may first occur. (i). The rights of any person who may have heretofore or hereafter retired from the service after June 30, 1945, shall continue to be measured and governed by the terms of the system in effect at the time of such retirement, and should such person die during continuance of such retirement the rights of any widow of such deceased retired person, and the rights of any widow of any other deceased person, shall be measured and governed by the terms of the system in effect at the time of death of her deceased husband, and the foregoing provisions of this subdivision (i) shall control over anything heretofore or hereafter in the system which might be construed to the contrary.

Section 13. Blank.

Section 14. Disability Allowances. (a). If any employee member, after having accumulated five (5) years or more of creditable time, shall become totally disabled, either physically or mentally, to perform his customary duties, whether by reason of disease, injury, accident or otherwise, then, in the event such total disability shall continue for sixty consecutive calendar days from commencement thereof, such disabled person shall be entitled to a monthly disability allowance from the fund equal to one and three fourths per centum ( $1\frac{3}{4}\%$ ) of his final average salary multiplied by the number of years of his creditable time, such monthly allowance, however, not to exceed forty per centum of his final average salary, and the amount of such disability allowance to commence to accrue at the expiration of sixty calendar days after commencement of such total disability and to continue to accrue until such time as such person is no longer totally disabled to perform his customary duties or substantially comparable duties.

Anything hereinabove to the contrary notwithstanding, a disability allowance based on disability commencing prior to May 1, 1947, shall be payable at the rate provided for by statute in effect at the time of commencement of such disability. An allowance under this subdivision of this section shall be known as an "ordinary disability allowance." (b). If any employee member, whether with or without five years of creditable time, shall become totally disabled, either physically or mentally, to perform his customary duties by reason of personal injury received as a result of an accident arising out of and in the course of his employment in the service and occurring at a definite time and place and after July 1, 1945, then, in the event such total disability shall continue for sixty consecutive calendar days from commencement thereof, such disabled person shall be entitled to a monthly disability allowance from the fund equal to forty per cent (40%) of his monthly salary at the time of commencement of such total disability, the amount of such total disability allowance to commence to accrue at the expiration of such sixty consecutive calendar days after commencement of such total disability and to continue to accrue until such time as such person is no longer totally disabled by such injury to perform his said customary duties, or substantially comparable duties. An allowance made under this subdivision of this section shall be known as an "extraordinary disability allowance," but no disability allowance shall be made by the Board under this subdivision of this section after six months after the accident resulting in such disability or if such accident occurred while the disabled person was employed by another than the City. No disability allowance shall be treated as an extraordinary disability allowance unless the resolution by which it is made contains the specification that it is an extraordinary disability allowance and unless such resolution be passed within six months after the accident resulting in disability. In the event that an extraordinary disability beneficiary should become separated from the service during continuance of total disability and such total disability from such injury should thereafter cease, the Board may, in its discretion, continue him on the disability roll until such time as, in the judgment of the Board, he should be able to find suitable employment at a rate of pay equal to the rate of his disability allowance. (c). No disability allowance shall be made by the Board until after satisfactory proof has been made to the Board of total disability by certificate of at least one licensed and practicing physician or surgeon. The Board shall have power to require certificates of more than one such physician or surgeon and such further proof of total disability as it may reasonably deem necessary. The Board may from time to time require further such certificates and other proof to determine whether total disability still exists. (d). Resumption of active duty by an employee member after cessation of active duty on account of total disability shall be conclusive evidence of termination of such total disability for the purposes of the system, and any subsequent cessation of active duty on



account of total disability, whether by reason of the same or different cause, shall be treated as a new disability. (e). If any disability beneficiary should become separated from the service and withdraw his contributions his right to continuance of disability benefits shall immediately cease. (f). For the purpose of computing disability pay, an employee shall be deemed to earn, or to have earned, salary at the same rate of salary as that which he shall be deemed to earn, or to have earned, salary for the purpose of deductions from salary under Section 9.

Section 15. Reduction of Allowances. Any amount otherwise payable by the fund to any beneficiary for any month or part thereof on account of retirement, widowhood or disability shall be reduced by the amount, if any, paid or payable to such beneficiary for the same month or part thereof by any federal agency or by any agency of the State of Alabama, including any county, city, or town of the State of Alabama, on account or by reason of employment within the State of Alabama of such beneficiary during such month by any such public agency.

Section 16. Loans to Employee Members. The board shall have the right to lend to any employee member from the fund such an amount of money as will not cause the aggregate of indebtedness of the employee member to the fund immediately after such loan to exceed fifty per cent of the amount of contributions returnable to him or those claiming under him were he to become separated from the service immediately after such loan. Interest on such loan shall be charged at the rate of six per cent per annum.

Section 17. Severance Nominee. The custodian shall keep a book or record in which any employee member may designate the name of a person to receive return of contributions made by him in the event of his death prior to commencement of accrual of a retirement allowance in his favor. Any such designation may be changed from time to time by the employee member. Each such designation shall be signed and dated by the employee member, and the last signed and dated designation shall prevail over any former designation. The rights of the last designated severance nominee shall be governed by Section 18.

Section 18. Separation from Service; Return of contributions; Re-employment and Restoration of Returned Contributions. In the event that prior to the time he shall become a retirement beneficiary under the system any employee member should become a nonqualified employee or become entitled to file, and file, a declaration of withdrawal as authorized by subdivision (a) of Section 8 or become separated from the service by death without widow entitled to an allowance hereunder or by discharge, dismissal, resignation, quitting or otherwise, he shall cease to be a member of the system, and, at the end of the pay roll period in which any such event may occur, the fund shall become liable for return of contributions in an amount equal to the amount of contributions theretofore made to the fund by

such employee member, without interest, less one-half of any disability benefits theretofore paid the employee member by the fund. The amount of liability of the fund for return of contributions shall be paid to the former employee member if living. If such former employee member be dead, however, the amount of liability for return shall be paid to personal representatives who may qualify as such and make demand for payment within sixty days after death of such former employee member, or, if there be no such qualification and demand, to the severance nominee of the former employee member, or, if there be none, then to the spouse, children, father, mother, sisters or brothers of deceased in order of priority as enumerated. No amount due from the fund as return of contributions shall bear interest until thirty days after proper demand for payment thereof. In the event any employee member should become a nonqualified employee or become separated from the service or become a non-member under subdivision (a) of Section 8 and receive return of contributions and thereafter again become an employee member he shall be liable to the fund for restoration of the full amount of withdrawn contributions, and the city comptroller shall deduct from the salary of such employee member the amount of liability for restoration in twenty monthly installments of substantially equal amount or in such lesser number of substantially equal restoration installments as will permit no installment to be less than ten dollars; provided, however, such employee member shall have the right to pay in cash in advance of maturity, all restoration installments, or, in the inverse order of maturity, any number of installments less than all. Every restoration installment shall bear interest at such rate as the Board may prescribe, and upon completion of payment thereof, with interest, the employee member shall be entitled to count as creditable time all creditable time earned by him prior to so again becoming an employee member. Anything hereinabove to the contrary notwithstanding, however, any person who may become liable after July 1, 1945, for restoration of withdrawn contributions shall be liable for interest upon the amount of such liability at the rate of six per cent per annum until paid, provided, that any such person who may become liable after July 1, 1945, for restoration of withdrawn contributions may discharge himself of such liability and of interest thereon by filing with the city comptroller within thirty days after attachment of such liability a written declaration that he elects to surrender creditable time prior to so again becoming an employee member and to not be liable for restoration of withdrawn contributions. Neither any employee member or former employee member, nor anyone claiming under him, shall be entitled to return of contributions after the amount of any retirement allowance shall have commenced to accrue in his favor.

Section 19. Liabilities of Employee Members to Fund. Any debt or liability of an employee member to the fund or to the City shall be offset against, and deducted from, any amount due from the fund to

the employee member or those claiming under him either as return of contributions or as disability or retirement payments, and only the balance, if any, shall be payable by the fund.

Section 20. False Representations. After July 1, 1945, it shall be a misdemeanor, and punishable as such, for any employee member or beneficiary to knowingly make any false representation to the Board or to the Secretary of the Board or to the city comptroller or the custodian or to any investigator or agent of the Board in respect of any matter pertaining to the administration of the system.

Section 21. Exemptions. Neither all nor any portion of the fund, whether in cash, securities or otherwise, nor any income or yield thereof, shall be subject to, or exacted on account of, any tax. No retirement or disability allowance nor any amount payable thereunder shall be subject to assignment or to any process for the collection of debts, provided this shall not apply to assignments or debts to the fund or to the City. Subject to Section 17, no liability of the fund for return of contributions shall be subject to assignment, and, subject to the provisions of Section 18 in relation to payment to personal representatives, no liability of the fund for return of contributions shall be subject to any process for the collection of debts.

Section 22. Members in Armed Forces. If any employee member, either before July 1, 1945, and after October 16, 1940, or after July 1, 1945, and prior to declaration by the Congress or President of the United States of termination of the unlimited national emergency declared by the said President in his proclamation of May 27, 1941, shall have left the service for the purpose of entering the armed forces of the United States, after having been in the service for at least one year next before such leaving, and shall have entered such armed forces promptly after such leaving, and shall have left in the fund all contributions made by him prior to such leaving, and shall have resumed a position of qualified employee in the service within forty days after his separation from such armed forces, and, in any event, within one year after declaration by the Congress or the President of the United States of termination of the unlimited national emergency declared by said President in said proclamation of May 27, 1941, and shall not have been dishonorably discharged from such armed forces, then, and in all such events, the City shall promptly pay into the fund an amount double that which the employee would have contributed to the fund from his salary had he continued in the service as an employee member throughout the period between the time of so leaving the service and the time of resumption of position in the service at the same rate of pay he was receiving at the time he so left the service, and, upon such payment into the fund, the employee shall be entitled to count as paid membership time the entire aforesaid period, provided, however, that if such employee become disabled to perform his customary duties at any time within two years after such resumption of position, the amount of any benefits to which

he might otherwise be entitled under Section 14 for any period shall be reduced by any amount paid or payable to him by the federal government for the same period, and provided further that no part of such payment by the City shall be returnable by the fund under any provision of the system for return of contributions made by employee members.

Section 23. (a). Board of Managers. There shall be a Board of Managers of three members for the administration, management and control of the system, including administration, management, control, acquisition and disbursement of the fund. The Board shall consist of the President of the Commission of the City, who shall be Chairman of the Board, and two associate members, designated, respectively, as "member number one" and "member number two." Member number one shall be appointed by the personnel board to serve until death, resignation or appointment of another by the personnel board to serve in his stead. Any vacancy in memberseat number one shall be filled by the personnel board. Member number two shall be appointed from employee members. Member number two shall be appointed from employee members by a majority of the County Health Officer and of employees of the City whose duties are those, or correspond most nearly to those of, Superintendent of City parks, superintendent of city streets, director of public libraries, city engineer, city attorney, city comptroller, senior judge of recorders court, and chairman of zoning board of adjustment. After July 1, 1945, the appointers of member number two shall include, also, city clerk, manager of municipal airport, manager of city warehouse, water engineer of industrial water supply system, manager of city garage, city electrician, chief building inspector, chief plumbing inspector, city purchasing agent, and the employee member of the police department and the employee member of the fire department senior in point of time in the service. In the event of equal length of service of two employee members of the police department or of the fire department the one senior in point of age shall be deemed senior in point of time in the service for the purpose of the next preceding sentence. Said member number two shall be appointed to serve until death, resignation or appointment of another by a majority of those authorized to appoint member number two. Each of the associate members of the Board shall be a bona fide resident and qualified voter of the City of Birmingham. The Board is directorily required to meet at least once a month in the office of the chairman, or such other place as the Board may designate, on the second Thursday in each calendar month. Any two members of the Board, after due notice having been given to all members of the Board, may meet in special meeting and transact any business of the Board, provided the secretary be present and record the proceedings of the special meeting as hereinafter provided. The personnel director shall be secretary of the Board and shall be present at every meeting of the Board, and keep a record of all proceedings

of the Board and of all orders and decisions of the Board. Neither the secretary nor any member of the Board shall receive any salary or compensation for his services as such except member number one, who shall receive ten dollars for each meeting attended, but not more than twenty dollars for meetings attended in any calendar month. Two members of the Board, when assembled in either regular or special meeting, shall constitute a quorum for the transaction of any and all business of the Board, and the affirmative vote of two members shall be necessary and sufficient to pass any motion or resolution. The Board is empowered to make rules and regulations not inconsistent with the provisions of the system in relation to its affairs and the system. The Board shall receive, investigate and pass upon all applications for retirement and disability and widow allowances and shall make retirement and disability and widow allowances in accordance with the system to all persons entitled thereto under the system, and its decision upon all matters of fact shall be final and conclusive unless it shall be affirmatively made to appear that its decision is plainly and manifestly wrong. The Board is authorized to borrow money up to the par value of the securities of the fund and to pledge such securities for repayment of the money borrowed. No money of the fund shall be invested, paid out or disbursed except pursuant to order or authorization of the Board. The Board shall be trustee, and have entire management and control of the fund, and shall direct investment of monies of the fund not needed to meet disbursements provided for in this Act in the loans to members hereinabove referred to and in bonds of the United States, the State of Alabama and any municipality of Alabama, and in bonds of corporations organized under Federal laws or under the laws of any State of the United States; provided, however, that no funds shall be invested in bonds of private corporations unless such bonds are listed upon exchanges subject to the jurisdiction of the Securities and Exchange Commission, and the aggregate par value of the funds invested in such bonds of corporations last referred to above shall not exceed one third ( $1/3$ ) of the par value of all investments of the fund exclusive of loans to members. In addition to methods of removal hereinabove provided for, any member of the Board may be removed by impeachment for corruption or malfeasance or misfeasance in office or for habitual neglect of duty. (b). The Board of Managers shall make a study of the provisions of this Act, and at such time or times as the Board may deem appropriate it shall have authority to employ at the expense of the fund such actuarial assistance and other aid as the study may require to determine the following questions: (1) Are the contributions to the fund sufficient to pay the benefits provided herein? If not, what additional contributions are necessary? (2) Are the benefits provided herein sufficient in amount to consume the contributions required herein, or are they so large as to render the fund insolvent, and in the event of the finding of either contingency, what adjustments should be made? (3)

What provisions should be made either in contributions by employees or by the City to render the fund solvent with respect to allowances made for prior service? The said Board may present to the members of the Legislature, not later than thirty days before the convening of any regular session, a report of the financial condition of the system, together with drafts of such laws as it may deem necessary to keep or make the fund actuarially solvent. They shall accompany their report with the reasons why they recommend the measures included in their report for making it solvent, setting out in detail what benefits they recommend be reduced, or what additional contributions they recommend being made. And the Legislature shall give prompt and full consideration to such report to the end that said fund may be solvent, safe and permanent for the protection of the employees covered thereby.

Section 24. Repeal and Amendment Reservation. The Legislature reserves the power to amend, alter or repeal this act, provided, however, that if any person who may be entitled to voluntarily retire and obtain a retirement allowance under this act shall so voluntarily retire before exercise of said reserved power he shall have a contractual lien upon the fund for each and every amount to which he may be or become entitled in accordance with the terms of the law existing at the time of such voluntary retirement, and provided, further, that if any employee member become totally disabled before exercise of said reserved power he shall have a contractual lien upon the fund for each and every amount to which he may be or become entitled in accordance with the terms of the law existing at the time of commencement of such disability.

Section 25. Name. After July 1, 1945, the name of the system provided in Sections 3 to 25, both inclusive, shall be City of Birmingham Retirement and Relief System, and by that name all suits, proceedings, transactions and business affecting the system, including the fund, may be brought, conducted, had and done. In any suit in that name service of process upon the custodian shall be sufficient service, and any judgment or decree in such name shall bind the fund.

Section 26. Board of Health Employees. If prior to expiration of the calendar year 1945 the Legislature of Alabama shall pass, or shall have passed, any act under which the Jefferson County Board of Health and employees thereof have or will become subject to the same civil service system and administration as that to which the City and employees thereof are, or were then, subject, then, in such event, and for the purpose of application of the terms of the system, and for such purposes only, and except as may be hereinafter otherwise or differently provided in this and the next succeeding section, said Board of Health shall be deemed constructively a subsidiary board or department of the City during said Health Board's past, present and future existence and employees thereof shall be deemed constructively employees of the City during all their time in the service of said

Board of Health, whether past, present or future, and the retrospective and prospective terms of the system shall be retrospectively and prospectively applied to such constructive employees as fully and restrictively and with like effect as though said Board of Health were actually such subsidiary board or department at all times past, present and future and as though employees thereof were actually employees of the City at all times while in the service of said Board of Health, past, present or future, provided that the creditable time of any such constructive employee who may be or become an employee member shall include all his prior service time and all his paid membership time, notwithstanding he may not have been such employee member at September 1, 1937, or within six months thereafter. In case the event first hereinabove in this section mentioned shall happen, or shall have happened, then, for the purpose of application of the terms of the system, persons in the service of said Board of Health prior to the happening of such event shall be deemed in the service of the City in the unclassified service and persons in the service of said Board of Health after the happening of such event shall be deemed from the happening of such event as in the classified service or the unclassified service according to the terms of the statute constituting said event, and shall be governed accordingly by the retrospective and prospective provisions of the system, including, specifically, Sections 5, 7 and 8 of the system.

Section 27. After July 1, 1945, and the happening of the event first mentioned in Section 26, it shall be the duty of said Board of Health, as an independent agency and not as a subsidiary board or department of the City, to make, or cause to be made, and paid into the fund, deductions from the salaries of all its employees who are employee members, and to do so in all respects as is provided by the system for the City to make deductions, and pay into the fund, from salaries of its employees who are employee members, and it shall be the further duty of said Board of Health, as such independent agency, to make matching contributions to the fund from its own funds in respect of its employees who are employee members in all respects as it is made the duty of the City to make matching contributions in respect of its employees who are employee members, and it shall be the further duty of said Board of Health, as such independent agency, to fully cooperate with the Board of Managers, the city comptroller and the custodian in the administration of the system, and, thereinabout, to make available to them all such records and information pertaining to employees of said Board of Health as they or either of them may request for the purpose of administration of the system.

Section II. This act shall become effective upon its passage.

Approved August 4, 1947.

No. 238)

(H. 621—Dumas, Gibson, Beatty, Meeks,  
Sadler, Adams (Jefferson)

## AN ACT

For the relief of H. A. (Gus) Thompson and to authorize the County Commission of Jefferson County, Alabama, to pay to H. A. (Gus) Thompson the sum of One Hundred Fifty Dollars (\$150) for serving as clerk and assistant to the Election Commission of Jefferson County and performing services in the selection of clerks, managers and returning officers for the polls for elections held in 1946.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The County Commission of Jefferson County, Alabama, is hereby authorized to appropriate and cause to be paid over to H. A. (Gus) Thompson, the sum of One Hundred Fifty Dollars (\$150) for services which he rendered as clerk and assistant to the Election Commission of Jefferson County in selecting clerks, managers and returning officers for the various polling places in Jefferson County for elections held in said County in 1946.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1947.

No. 240)

(H. 627—Ingalls, Sightler, Pinkston &amp; Busby.

## AN ACT

To authorize and require the Board of Revenue of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said County, but not for the elective officials.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The Board of Revenue of Montgomery County, Alabama, is hereby authorized and required to provide a pension or retiring allowance plan for the employees of said County and to allow present County employees who have heretofore been employees of this County's school system, provided they be not included under some other pension plan, to count such service as having been rendered continuously in their present positions; and, also allowing the County employees who serve in the military or naval forces of this country between service periods for this County to count such service as having been rendered this County; and, also allowing employees who served as temporary acting officials, during the period the regular elective officials served in the military or naval forces of this country, to count such service as having been rendered this County as regular and continuous employees within the meaning of this act. This Act shall not be construed or interpreted to provide a pension for elective officials.



Section 2. Any such employee of Montgomery County who shall have been in continuous service of said County for as long as twenty consecutive years and shall have attained the age of fifty years, or who shall have been in the service of said county for as long as twenty-four years, the last fourteen years of which have been continuous and the other ten years for which credit is sought were in not more than three periods, two of which were for terms of not less than four consecutive years and shall have attained the age of fifty years, upon making written application therefor to the Board of Revenue of said County, or upon being retired by any means provided in this Act, shall be retired from said employment service of said County, and upon such minimum retirement, such retired employee shall be paid, and the Board of Revenue of said County shall order and direct the payment of such employee, monthly or otherwise as active employees are paid, during the remainder of his or her natural life, a sum equal to one half of the highest monthly compensation paid to such employee from the funds of said County during his or her service period, provided said payments shall not exceed One Hundred Dollars per month to any such retired employee. Any employee of said County who has been in continuous service as long as twenty consecutive years or who shall have been in the service of said County for as long as twenty-four years, the last fourteen years of which have been continuous but who continues to work for the County an additional year, or number of years, before making written application for retirement or upon being retired by any means provided in this Act, shall be paid during the remainder of his or her natural life, a sum equal to his or her minimum retirement plus an additional two per centum of his highest monthly salary multiplied by the number of completed years of additional service—not to exceed ten additional years and not to exceed \$100.00 over and above his or her minimum service period payment; provided, however, that no person now drawing a pension by reason of any law now in existence shall be affected by this Act.

Section 3. The Board of Revenue, with or without the approval of any employing official of said County, whether elective or appointive, may after giving thirty days notice in writing to an employee who is eligible for retirement, and after reasonable investigation, if said Board is convinced that any such employee has become unable physically, mentally or otherwise to perform efficiently the duties assigned to him or her, the Board of Revenue may order such employee retired as provided in Section 2 of this Act.

Section 4. Payments under this Act to retired County employees shall be made in the same manner and at the same times and from the same funds as salaries and compensation are made to regular active employees of the Department in which such employee was employed by this County.

Section 5. Nothing included in this Act shall be considered or construed to take from the elective officers of this County, including

the Board of Revenue and its duly authorized agents, the power 'to dismiss from the service of this County any of its active employees who for any cause fails or refuses to render faithful or efficient service.

Section 6. The Board of Revenue of Montgomery County shall hear and decide all applications for pensions under this Act and the decisions on such applications shall be final and conclusive and not subject to review or reversal except by such authority itself.

Section 7. There shall be kept by the Clerk of the Board of Revenue a book to be known as the "Register of Retired Employees." This book shall contain a complete record of the services of said employees together with a copy of action of the Board of Revenue of said County in retiring any and all employees under this Act. The retirement of any employees under the provisions of this Act shall be spread upon its minutes.

Section 8. In case of any dispute arising out of or over the provisions of this Act, or the interpretation of any of the provisions thereof, the decision of the Board of Revenue shall be final and conclusive.

Section 9. No part of any pension paid or subject to payment under the provisions of this Act, shall, before or after its payment to a beneficiary hereunder, be seized or held or be in anywise subject to garnishment or levy of execution or attachment or other process issued out of any court of this state, or of any other state so far as same may be sought to respond to the payment or satisfaction in whole or in part, of any debt, damage, demand, claim, judgment or decree against any beneficiary under said pension system, but shall be exempt therefrom; nor shall the whole or any part of any such pension, or the right thereto, be assigned, and any assignment thereof shall be void and unenforceable.

Section 10. Any and all laws or parts of laws in conflict herewith are expressly repealed. If any part or parts of this Act shall be declared unconstitutional it shall not affect the remaining part or parts of this Act.

Section 11. This Act shall take effect on its passage and approval by the Governor or otherwise becoming a law.

Approved July 29, 1947.

No. 242)

(H. 646—Miller and Roberts.

### AN ACT

To amend Sections 1 and 3 of an act entitled, "An act to fix the compensation or salary to be paid the Tax Assessor of Etowah County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Tax Assessor of Etowah County, Alabama, and to require said Tax Assessor to collect all fees, compensation and allowance heretofore or hereafter authorized to be collected by him, including compensation payable to him for making ad valorem tax assessments for the several municipalities in Etowah County, and to pay same into the county treasury of Etowah

County; to provide for the payment of the salary or compensation of said Tax Assessor of Etowah County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Etowah County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of said Tax Assessor, and to prescribe when this act shall go into effect," enacted by the 1943 Legislature of Alabama, approved June 10, 1943 and set out in 1943 Local Acts of the Legislature of Alabama, pages 71 and 72 as Local Act No. 136.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Section 1 of an act entitled, "An Act to fix the compensation or salary to be paid the Tax Assessor of Etowah County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Tax Assessor of Etowah County, Alabama, and to require said Tax Assessor to collect all fees, compensation and allowances heretofore or hereafter authorized to be collected by him, including compensation payable to him for making ad valorem tax assessments for the several municipalities in Etowah County, and to pay same into the county treasury of Etowah County; to provide for the payment of the salary or compensation of said Tax Assessor of Etowah County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Etowah County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of said Tax Assessor, and to prescribe when this act shall go into effect," enacted by the 1943 Legislature of Alabama, approved June 10, 1943 and set out in 1943 Local Acts of the Legislature of Alabama, pages 71 and 72 as Local Act No. 136, be and it is hereby amended so as to read as follows: "Section 1. That the salary or compensation of the Tax Assessor of Etowah County, Alabama, shall be Four Thousand Eight Hundred and no/100 (\$4,800.00) Dollars, per year, and the said Four Thousand Eight Hundred and no/100 (\$4,800.00) Dollars, annual salary or compensation shall be paid out of the County Treasury of Etowah County, in esual monthly installments, at the end of each month, upon warrants drawn in the same manner as employees of Etowah County are paid."

Section 2. That Section 3 of said act be and it is hereby amended so as to read as follows: "Section 3. The Board of Revenue, or like governing body, of Etowah County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the said Tax Assessor, but the said Tax Assessor shall elect such clerks, deputies, and assistants and shall fix their compensation, but the combined salaries or compensation of said clerks, deputies and assistants selected by him shall not exceed Six Thousand Eight Hundred and no/100 (\$6,800.00) Dollars, per annum. The said Tax Assessor shall have the right to discharge the said clerks, deputies, and assistants at will, as they shall serve only at his pleas-

ure. The salaries or compensation of said clerks, deputies and assistants shall be paid in equal monthly installments out of the general funds of Etowah County, upon separate warrants drawn in the same manner as other employees of Etowah County are paid. In addition to the foregoing allowance the Board of Revenue, or like governing body, of Etowah County, shall pay for all necessary traveling expenses for annual trips over the County as required by law, but said Tax Assessor shall furnish all necessary drawings, maps, registers and plats as required by law, without additional charge or compensation therefore."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor.

Approved August 1, 1947.

No. 243)

(H. 647—Miller and Roberts.

### AN ACT

To amend Sections 1 and 3 of an act entitled, "An Act to Fix the Compensation or salary to be paid the Tax Collector of Etowah County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Tax Collector of Etowah County, Alabama, and to require said Tax Collector to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, including compensation payable to him for collecting ad valorem taxes for the several municipalities in Etowah County, and to pay same into the county treasury of Etowah County; to provide for the payment of the salary or compensation of said Tax Collector of Etowah County, and the clerks, deputies and other clerical assistants, and other office expenses out of the funds of Etowah County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Tax Collector, and to prescribe when this act shall go into effect," enacted by the 1943 Legislature of Alabama, approved June 10, 1943, and set out in 1943 Local Acts of the Legislature, pages 69, 70 and 71 as Local Act No. 135.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Section 1 of an act entitled, "An Act to fix the compensation or salary to be paid the Tax Collector of Etowah County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Tax Collector of Etowah County, Alabama, and to require said Tax Collector to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, including compensation payable to him for collecting ad valorem taxes for the several municipalities in Etowah County, and to pay same into the county treasury of Etowah County; to provide for the payment of the salary or compensation of said Tax Collector of Etowah County, and the clerks, deputies and other clerical assistants, and other office expenses out of the funds of Etowah County, and to provide rules and regulations for the management and operation of such

office made necessary by changing the method and basis of compensation of such Tax Collector, and to prescribe when this act shall go into effect," enacted by the 1943 Legislature of Alabama, approved June 10, 1943 and set out in 1943 Local Acts of the Legislature of Alabama, pages 69, 70, and 71 as Local Act No. 135, be and it is hereby amended so as to read as follows: "Section 1. That the salary or compensation of the Tax Collector of Etowah County, Alabama, shall be Forty-eight Hundred and no/100 (\$4,800.00) Dollars per year, and the said Forty-eight Hundred and no/100 (\$4,800.00) Dollars, annual salary or compensation shall be paid out of the County Treasury of Etowah County, in equal monthly installments, at the end of each month, upon warrants drawn in the same manner as employees of Etowah County are paid."

Section 2. That Section 3 of said act be and it is hereby amended so as to read as follows: "Section 3. The Board of Revenue, or like governing body, of Etowah County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the said Tax Collector, but the said Tax Collector shall select such clerks, deputies and assistants and shall fix their compensation, but the combined salaries or compensation of said clerks, deputies, and assistants selected by him shall not exceed Six Thousand Two Hundred and no/100 (\$6,200.00) Dollars, per annum. The said Tax Collector shall have the right to discharge the said clerks, deputies and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of said clerks, deputies and assistants shall be paid in equal monthly installments out of the general funds of Etowah County, upon separate warrants drawn in the same manner as other employees of Etowah County, Alabama, are paid. In addition to the foregoing allowance the Board of Revenue, or like governing body, of Etowah County, shall pay for all necessary traveling expenses for annual trips over the County as required by law, but said Tax Collector shall furnish all necessary reports, registers, and lists of qualified voters as required by law, without additional charge or compensation therefor."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor.

Approved August 1, 1947.

No. 244)

(H. 654—Benford

### AN ACT

To provide for an additional deputy sheriff for Marshall County, Alabama, to fix his salary, time and method of its payment, funds that it shall be paid from and make it a preferred claim against the general fund and provide when this act shall take effect.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Sheriff of Marshall County, Alabama, be and he is hereby allowed an additional deputy sheriff for said county in

addition to those now provided for by law whose salary shall be paid by said county out of the general funds of said county and which shall be preferred claim against said funds to be paid monthly on the 1st day of each month on the certificate of the Sheriff that such person is such deputy. Said deputy shall be paid a salary of \$125.00 per month and shall perform any and all duties prescribed by law for such deputy sheriff. This Act shall take effect immediately upon its passage and approval.

Approved August 1, 1947.

No. 245)

### AN ACT

(H. 655—Benford

To Alter or Re-arrange The Boundary Lines of the Town of Arab, Marshall County, Alabama, so as to include within the Corporate Limits of said Town All Territory Now Within Such Corporate Limits and Also Certain Other Territory in Marshall County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Boundary lines of the Town of Arab, Marshall County, Alabama, be, and the same are hereby altered or re-arranged so as to include within the Corporate limits of said Town all territory now within such Corporate limits and also certain other territory in Marshall County, Alabama; all of which territory lying and being in Marshall County, Alabama, is more particularly described as follows: The South East One Fourth of Section Fourteen; The East One Half of Section Twenty Three; The West One Half and the North East One Fourth of Section Twenty Four; The West One Half of Section Twenty Five; The East One Half and the North West One Fourth of Section Twenty Six; and the North East One Fourth of Section Twenty Seven; all these lands being in Township Eight South, Range One East, in Marshall County, Alabama.

Section 2. That the boundaries set out in Section One of this Act be, and the same are hereby, established as the Corporate limits of said Town of Arab, Marshall County, Alabama, and all the territory included and embraced within said boundaries shall hereafter be and constitute a part of the Town of Arab, Marshall County, Alabama.

Section 3. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its approval by the Governor.

Approved August 1, 1947.

No. 248)

(S. 279—Langan

## AN ACT

To authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Mobile County, Alabama; to authorize the governing body of said County to expend public funds under its control therefor; to provide for the taxing and collecting of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and the designation of personnel to operate said Library, or to assist therein, and the employment of additional personnel for said purpose, and the payment of the salaries of such personnel.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The governing body of Mobile County, Alabama, by whatever name called, is hereby fully authorized to establish and maintain a Public Law Library in said County, and, to accomplish said purpose, may, from time to time, expend such public funds of said County, as are not required by law to be expended for any other purpose or purposes; to provide suitable housing quarters, furniture, fixtures and equipment therefor; to keep the same in a good state of maintenance and repair; and, from time to time, to enlarge, expand and improve such Library, facilities and equipment; and, from time to time, to provide such books, reports and periodicals for said Library as are not provided therefor out of the proceeds of the special fund created by this Act or otherwise; and to pay the salaries of a Librarian and such other personnel as may be necessary and proper to operate the same, to the extent that such salaries are not paid out of the proceeds of such special fund; which expenditures shall, from time to time, be made on warrants drawn in the usual manner, upon the County Treasurer, payable out of appropriate fund or funds.

Section 2. In order to provide a special fund for the maintenance of said Library, there shall be taxed as costs the sum of One Dollar and Fifty Cents (\$1.50) in each Civil or Quasi Civil Action at Law, Suit in Equity, Criminal Case, Quasi Criminal Case, proceeding on a Forfeited Bail Bond or proceeding on a Forfeited Bond given in connection with an appeal from a judgment of conviction in any Inferior or Municipal Court to the Circuit Court hereinafter filed in, arising in, or brought by appeal, certiorari or otherwise to the Circuit Court of Mobile County, Alabama, which costs shall be collected as other costs in such cases are collected by the Clerk of said Court or the Register in Chancery thereof, as the case may be, and shall be paid to the Treasurer of Mobile County, Alabama.

Section 3. There shall, also, be taxed as costs the sum of One Dollar (\$1.00) in each Criminal Case hereafter filed in the Inferior Criminal Court of Mobile County, Alabama, and in each Civil Case hereafter filed in said Inferior Criminal Court, Civil Division, which costs shall be collected as other costs in such cases are collected and

when collected by the Clerk of said Court shall be paid by him to the Treasurer of Mobile County, Alabama.

Section 4. There shall, also be taxed as costs the sum of Fifty Cents (\$.50) in each Civil Case hereafter filed in the Inferior Civil Court of Mobile County, Alabama, which costs shall be collected as other costs in such cases are collected and when collected by the Clerk of said Court shall be paid by him to the Treasurer of Mobile County, Alabama.

Section 5. The sums herein provided to be paid to the Treasurer of Mobile County, Alabama, shall be kept by him in a separate fund designated as "Mobile County Law Library Fund" and shall be expended by the presiding Judge of the Circuit Court of Mobile County, Alabama, for maintaining said Law Library. Said presiding Judge shall draw warrants on the Treasurer for expenditures by him indicating on the warrants the funds against which the warrants are drawn. Said fund shall be used primarily to purchase such books and periodicals, and to pay the salaries of such personnel, as may in the opinion of the said presiding Judge be advisable, but to the extent not so used such funds may be otherwise expended for the maintenance of said Library. The management of the said Law Library is vested in said presiding Judge and all books or other property purchased with the funds produced by this Act shall be the property of Mobile County, Alabama; provided, however, that the said Judge may from time to time sell or exchange any such books, reports, periodicals, and personal property, and apply the proceeds of the sale thereof, or the value thereof, upon the purchase of other books, reports, periodicals and personal property for use in said Library, and said Judge may accept any gift or loan of any books, reports, periodicals and property for public use in said Library upon such terms and conditions as may be stipulated by the donor or lender thereof and as may be agreeable to the said Judge. Said presiding Judge may appoint such personnel as may be necessary or proper to operate said Library, and, to the extent that circumstances permit, may designate the Circuit Clerk, or one or more deputy Circuit Clerks, to operate the same or to assist therein.

Section 6. The said items of cost above referred to shall be designated in said respective Courts as "Law Library Fee" and when any part of the costs in such a case or proceeding shall have been paid the amount necessary for the payment of said fee shall be applied thereto before applying any of the amount paid as costs to any other item of cost. On or before the 10th day of each month, the Clerk of the respective Courts (including the Register in Chancery) shall pay to the said County Treasurer the amounts collected for said Law Library fees previous to the 1st day of the month.

Section 7. If any sentences, clause, provision or section of this Act be declared to be invalid, the invalidity thereof shall not affect the validity of any other portion or provision of this Act, it being the



intention to enact into law so much hereof as may validly become law, irrespective of the invalidity of any portions hereof.

Section 8. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 6, 1947.

No. 249)

(S. 291—Mize

## AN ACT

To provide for the City of Tuscaloosa a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees of the city, defining violations of the Act, and imposing penalties for violations.

*Be it Enacted by the Legislature of Alabama:*

Section 1. *Application.*—This Act shall apply to and have application in the City of Tuscaloosa only.

Section 2. *Definitions.*—As used in this Act, unless the context plainly indicates a different meaning, the following words, terms and phrases shall have the meanings respectively ascribed to them: "city" means the City of Tuscaloosa; "employee" means any person (including the head of departments) who is employed in the service of the city on a regular monthly salary, with the exception of elected officers, the municipal recorder or judge, the attorney who prosecutes in the court of the municipal recorder or judge, school teachers and all other employees of the city board of education, the administrator and all other employees of any city owned or operated hospital, and the director of recreation and all employees of the city recreation board; "board" means the civil service board created by this Act; "head of department" will include the chief of the police department, the chief of the fire department, city clerk, city engineer, city attorney, and superintendent of Water Works. Words used in the masculine gender included the feminine and neuter; the singular includes the plural, and the plural the singular.

Section 3. *Civil Service System.*—All employees of the city as herein defined shall be subject to civil service rules and regulations prescribed in this Act or promulgated pursuant to Section 8 hereof and administered by the civil service board, the creation of which is provided for in Section 4 hereof. Present employees and those which may hereafter be employed shall remain in their respective employments during good behavior, efficiency, and obedience to such rules and regulations as may, from time to time, be prescribed by the board; but nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner hereinafter provided; however, no present employees shall be subject to any examination in order to hold his present position.

Section 4. *Civil Service Board.*—There is created the Civil Service Board of Tuscaloosa, which shall be composed of three members

designated respectively as Member No. 1, Member No. 2 and Member No. 3, each of whom shall be over twenty-five years of age, of recognized character and ability, and an actual resident in and a qualified elector of said city. No person shall be eligible to be a member of the board who holds any civil office of profit under the city, county or state. Immediately after the passage of this Act, Members No. 1, 2 and 3 shall be appointed by the Governor of Alabama, by and with the advice and consent of the Senate. Until such Members No. 1, 2 and 3 are all appointed and have all qualified, the present members of the Civil Service Board of Tuscaloosa created by Act No. 596, approved August 4, 1931, will serve in the capacity of and will exercise the powers of the board created herein. Member No. 1 shall hold office for a term from the date of his appointment and qualification to May 15, 1949, and until his successor is appointed and has qualified. Member No. 2 shall hold office for a term from the date of his appointment and qualification to May 15, 1951, and until his successor is appointed and has qualified. Member No. 3 shall hold office for a term from the date of his appointment and qualification to May 15, 1953, and until his successor is appointed and has qualified. Their successors shall be appointed by the Governor of Alabama, by and with the advice and consent of the Senate, and shall respectively hold office for terms of six years, beginning on May 15 of the appropriate odd-numbered year, and until their successors shall be appointed and qualified. Vacancies occurring from death or resignation shall be filled by the Governor, and such appointee shall hold office until the next meeting of the Legislature. A vacancy on the board shall be filled by appointment for the unexpired term. Any member of said board whose term shall expire shall be eligible for reappointment. The board shall meet once a month in the City Hall on a date and at an hour to be fixed by its rules and regulations, and as much more often as shall be necessary for the orderly dispatch of its business. Two members of said board shall constitute a quorum.

Section 5. *Qualification by Member.*—Every person who shall be appointed as a member of such civil service board according to the provisions of this Act shall within fifteen days thereafter qualify by making oath that he is eligible for said office and will execute the duties of the same according to his best knowledge and ability. Such oath shall be administered by any person authorized to administer oaths or by any member of the Commission Board of such city, and a copy thereof filed with the city clerk.

Section 6. *Compensation.*—The compensation of each board member shall be two hundred dollars per annum, payable quarterly by the city.

Section 7. *Records of the Board.*—The board shall keep minutes of its meetings and a record of all business transacted by it. Its records, except those the rules of the board require to be held confidential for reasons of public policy, shall be open for inspection by

any resident of the city at all reasonable times. The city clerk shall act as the custodian of the records of the board and will furnish such clerical assistance as may be requested of him by the board.

**Section 8. *Powers of the Board.***—The board shall make rules and regulations to carry out the purposes of this Act, and for examinations, appointments and removals in accordance with its provisions, and the board may, from time to time, make changes in the existing rules. The heads of departments shall recommend for promotion such person or persons as the occasion may call for to fill any vacancy or vacancies that may occur in their said respective departments. All such vacancies shall be filled and all such promotions shall be made by the board. The board may make rules and regulations relating to the eligibility for promotion. The board shall have power to appoint personnel necessary for its work and to delegate to such personnel such duties and powers as may be practicable. The board shall: 1) classify the different types of service to be performed in the service of the city; 2) prescribe qualifications, including those of education, training and experience, for the appointees and incumbents of each class; 3) subject to approval by the city governing body, fix a maximum and minimum salary for each class; and 4) allocate each position in the service of the city to its proper class. The board shall establish rules and regulations governing dismissals, suspensions, layoffs, terminations and leaves of absence, and the severance of an employee's relationship with the city shall be in accordance with such rules and regulations. Except in connection with a reduction in force, demotions, suspensions, discharges, and removals herein provided for, or a general decrease in the salary of all employees, no employee's regular salary or compensation may be reduced without approval of the board. All employees shall be appointed upon a non-partisan merit basis. There shall not be appointed, and the board shall not examine, any person who is not a citizen of the United States, or one who has been convicted of a felony or an offense involving moral turpitude. In the event a reduction in force becomes necessary in any department of the city, the order of layoff shall be inverse to the order of appointment.

**Section 9. *Appointments.***—The board shall make and keep a register of all persons eligible and available for appointment to each class of position in the service of the city, and all appointments shall be made from such eligible list. Layoffs available for re-employment shall be placed at the head of the proper present and subsequent eligible registers in the inverse order of their terminations. Employees who voluntarily terminate their services may be granted re-employment status upon proper eligible registers under such circumstances and in such manner as may be provided for in the board's rules and regulations, subject, however, to stipulations of this Section concerning layoffs. Persons desiring appointment may file applications with the board, and the board shall, from time to time, conduct examina-

tions to test the ability of such applicants. All applicants shall be examined, and examinations shall be public, competitive, and subject to limitations specified by the board as to age, residence, health, height, weight, habits, moral character, and other factors pertinent to ability to discharge the duties of the position, open to all citizens of the United States. Examinations shall be practical in character and shall relate to those matters which test the ability of the person examined to discharge intelligently the duties of the position for which he applies. In no case shall an appointment be made from an eligible register which is more than two years old. An honorably discharged veteran of the armed forces of the United States who served during the period of a war or the widow of such a veteran shall have five points added to his rating on examination. Any such veteran who has a service-connected disability and because of such disability is entitled to compensation from the United States, or his wife if he is not qualified for city employment, or the widow of any person who died during or was killed as a result of his service in the armed forces of the United States during the period of a war, shall have ten points added to his examination rating.

Section 10. *Applications for Employment.*—All applicants for employment by the city shall file their applications in writing with the board, said applications to be on the blank forms furnished by the board. The board shall control all examinations, and whenever an examination is to take place shall conduct such examination. Each applicant for examination shall pay to the city clerk the sum of five dollars, and the receipt therefor shall be attached to his application.

Section 11. *Vacancies.*—The city governing body shall notify the board of vacancies which occur in any department, and the board shall furnish to him the name and address, or names and addresses, of the candidate or candidates standing highest on the eligible list, and the said candidate or candidates shall receive the appointment or appointments to fill such vacancy or vacancies. All appointments shall be on probation for a period of six months from the date of appointment. Before the expiration of the period of probation, the head of the department concerned may, by and with the consent of the board, discharge any probationer upon assigning in writing his reasons therefor to the board. If a probationer be not discharged before the expiration of said probation period, his appointment shall be deemed complete.

Section 12. *Demotions or Suspensions.*—A department head shall have authority in his respective department to demote any subordinate employee by and with the consent and approval of the board, provided, however, that upon written demand filed with the board within five days from the date of the order of demotion the person whom it is proposed to demote shall be given a public hearing by the board before any order of demotion shall be final. A department head shall have authority to suspend any subordinate employee in his respec-

tive department pending the hearing by the board. A department head employee may be similarly suspended or demoted by the city governing body and shall have the same right of hearing.

Section 13. *Removals and Discharges.*—No permanent employee shall be removed or discharged except for cause, upon charges filed with and decided by the board, and after an opportunity has been given him to face his accusers and to be heard in his own defense. Written charges may be filed against any such employee by the governing body of the city or by any member thereof or may be filed by any department head as to any subordinate employee in his department by filing a written statement of such charges with the board or any member thereof. Charges against any department head or any employee may be filed by any resident citizen of the city as follows: the charges must be in writing, must set forth succinctly the matters complained of, and must be sworn to before any member of the board or before any person authorized to administer oaths. Upon the receipt of such charges, the board, after due consideration, shall determine whether in its opinion it considers that the good of the service will be served by a trial thereon; and, if not, such charges may be dismissed by the board. However, if the board is of the opinion that a trial should be held thereon, the board shall hold a public hearing on the charges, and take such disciplinary action as in their judgment is warranted by the evidence and under the law. All hearings before the board shall be open to the public, provided that when a waiver of a public hearing in writing, and signed by the complainant and the affected employee, is filed with the board, the public may, in the discretion of the board, be excluded. All testimony given in all hearings before the board shall be taken down in shorthand by a stenographer. In all cases, the decision of the board shall be reduced to writing and entered in the record of the case. In all proceedings before the board, the city attorney may appear and prosecute all charges instituted by the city governing body or any member thereof or by any department head, when requested or directed to do so by such city governing body. It shall not be the duty of the city attorney to prosecute any charges brought by a private citizen. In all proceedings before the board, the city attorney may appear and represent the interests of the city, and he shall also give such legal advice and legal assistance to the board as may be requested by it. If any employee against whom charges are pending willfully fails or refuses to attend the hearing of such charges before the board, the board may proceed with the hearing in his absence and take action on the charges the same as if he were present. The board, its specially authorized representatives, and each member of the board shall have the power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation, or proceeding within the purview of

this Act. In case a person refuses to obey such subpoena, the board or its representatives may invoke the aid of any circuit court in order that the testimony or evidence be produced. Upon proper showing, such court shall issue a subpoena or order requiring the person to appear before the board or its representative and produce all evidence and give all testimony relating to the matter in issue. A person who fails to obey such subpoena order may be punished by the court as for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit courts of this State, which fees shall be paid from the city treasury.

Section 14. *Review of Decision and Appeals.*—Any party, including the city governing body, aggrieved by a final decision of the board, is entitled to a review of such decision by filing a petition in the Circuit Court of Tuscaloosa County, Alabama, within ten days after such final decision is rendered. Upon the filing of any such petition, notice thereof shall be served upon the chairman of the board by the petitioner. Such petition shall be heard by the court at the earliest practicable date. Review by the court shall be without a jury and confined to the record, including a transcript of the evidence. The court may, upon such terms and conditions as it shall deem proper, at any time before the hearing of the petition, permit the taking of additional evidence before the board and allow modification of the board's findings and final decision. The court, upon a hearing of the petition, shall have power to affirm or reverse and render or to remand the matter to the board for further proceedings consistent with the judgment of the court. However, the court shall affirm the decision of the board unless it finds that the substantial rights of the petitioner have been prejudiced because the final decision of the board was: 1) unsupported by substantial evidence in the record submitted; 2) in excess of the authority conferred by this Act on the board; 3) violative of constitutional provisions; 4) arbitrary or capricious; or 5) affected otherwise by substantial error or injustice. An appeal may be taken from any final judgment of such court to the Court of Appeals of Alabama or the Supreme Court of Alabama as now provided by law.

Section 15. *Political Activities Prohibited.*—No person shall be appointed or promoted to, or dismissed from any position, or in any way favored or discriminated against with respect to employment because of his political or religious opinions or affiliations. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position. No employee and no member of the board shall, directly or indirectly, pay or promise to pay any assessment, subscription or contribution for any political organization or purpose, or solicit or take any part in soliciting any such assessment, subscription or contribution of any employee. No employee shall be a member of any national, state, or local committee of a political party, or an official of a partisan political club, or a candidate

for nomination or election to any public office, nor shall he take any part in the management or affairs of any political party or in any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote. Any employee, under the jurisdiction of this Act, who violates any of the foregoing provisions of this Section shall forfeit his office or position or shall suffer such other disciplinary punishment as the board may direct.

Section 16. *Penalties.*—The violation by any employee under the jurisdiction of this Act of any provision in this Act or of any of the rules or regulations issued by the board in pursuance thereof, shall constitute an offense for which charges may be preferred against such employee as hereinabove provided, and if such charges are sustained by the board after a notice and hearing as hereinabove provided, such employee may be discharged or lesser disciplinary action taken against him. The board may in its discretion also decline to reappoint such employee who has been discharged for such cause to any position in the city for a term of one year. The board may on its own motion institute charges against an employee for the violation of any of the provisions of this Act or of any of the rules or regulations issued in pursuance thereof.

Section 17. *Special Police Officers and Temporary Appointments.*—The civil service board may, in an emergency, or in cases where it deems proper, authorize the chief of police to appoint for temporary service such number of police officers as in the opinion of the Commission Board of such city the existing conditions demand. All officers so appointed shall be furnished with badges, said badges to be different in size and design from the regulation badges used by the regular members of the police and detective force, and must have the words "Special Officer" across the face of them in large letters. The chief of police shall furnish the board with the names and addresses of all persons to whom he has issued special badges, and at the expiration of their appointment shall cause all such badges to be taken up. From and after the going into effect of this Act, all outstanding commissions conferring police authority issued to persons other than those who are members of the police department of such city shall become cancelled and void; and thereafter it shall be unlawful for any person to have in his possession any such commission or any badge of a police officer of such city unless same has been issued to him with the approval of the civil service board. The board may, in an emergency or in cases where it deems proper, authorize the city governing authority or the head of any department to appoint for temporary service such number of salaried employees (including part-time employees) as in the opinion of the board the existing conditions require.

Section 18. *Chairman of the Board.*—The board shall elect one of its members as chairman who shall hold office as such chairman

at the pleasure of the board. All meetings of the board shall be held in the City Hall unless otherwise provided by such board.

Section 19. *Printing Regulations.*—The board shall, within ninety days after appointment and qualification of the members thereof, adopt and have printed such rules and regulations, in accordance with the provisions of this Act, as it may deem proper. Said rules and regulations and all amendments thereafter adopted shall be kept on file by the city clerk and open for public inspection. No amendment there-to shall become effective until notice of its adoption has been given for thirty days by posting a copy of the same in the vestibule of the City Hall.

Section 20. *Constitutionality.*—Each section of this Act and each part of each section are hereby declared to be independent sections and parts of sections, and if any section, sentence, clause or provision of this Act shall be held or declared to be unconstitutional or void, it shall not affect or destroy the validity or constitutionality of any other section, sentence, clause or provision of this Act which is not of itself void or unconstitutional. If this Act or its enforcement by the board shall be called into question in any judicial proceedings, or if any person shall fail or refuse to comply with the lawful orders of said board, such board may employ counsel to represent it in sustaining this Act or the enforcement thereof, and the compensation of such counsel shall be paid by the city.

Section 21. *Effective Date.*—That this Act shall take effect immediately upon its approval by the Governor, or upon its otherwise becoming a law under Section 125 of the Constitution.

Section 22. *Inconsistent Laws Repealed.*—All laws or parts of laws, whether general, special, or local, and whether codified or uncodified, inconsistent herewith are hereby repealed.

Approved August 6, 1947.

No. 250)

(S. 306—Allen

### AN ACT

To abolish the present Board of Revenue of Etowah County, and to create a new Board of Revenue in lieu thereof; to provide for election and terms of office of president and associate members, jurisdiction of the board, duties of president and associate members, supervision of roads and bridges, purchases for the County, public meetings of board, salaries of officers, and repeal of certain local acts.

*Be it Enacted by the Legislature of Alabama:*

Section 1. *Present board abolished; new board created.* Upon the passage and approval of this act, the present Board of Revenue is abolished and in lieu thereof there is established a Board of Revenue for Etowah County, which until the first Monday after the second Tuesday in January, 1949, shall be composed of the president and four



associate members of the presently constituted Board of Revenue, and thereafter shall be composed of a president and two associate members. The president and associate members shall be qualified electors of the county and shall be elected by the qualified electors of the entire county. No successors shall be elected for the two associate members whose terms under the presently constituted Board of Revenue expire in January, 1949. The two associate members of the presently constituted Board of Revenue whose terms expire in January 1951 shall serve as the associate members of the Board herein created until the expiration of such terms.

Section 2. *Election of president.* The president of the board shall be elected at the general election to be held in the year 1948 and hold office from the first Monday after the second Tuesday in January, 1949, for a term of six years and until his successor is elected and qualified; thereafter, the president of the board shall be elected for a term of four years.

Section 3. *Election of associate members.* Two associate members of the board shall be elected at the general election to be held in the year 1950, and every four years thereafter, to hold office for four years from the first Monday after the second Tuesday in January following their election, and until their successors are elected and qualified. Such associate members shall be designated Associate Member No. 1 and Associate Member No. 2, respectively, and candidates for such positions shall qualify therefor accordingly by designating the position for which they desire to become candidates.

Section 4. *Jurisdiction of the Board of Revenue.* The Board of Revenue shall have all the jurisdiction and powers which are or may hereafter be by law vested in the courts of county commissioners or boards of revenue of this state except as otherwise in this act provided and the members thereof shall perform all the duties and services and exercise all the powers which are, or may be provided by law for the members of courts of county commissioners or boards of revenue in this state.

Section 5. *Duties of president.* The president of the board shall be its presiding officer, and shall have the same powers and authority as other members in passing upon all questions, and shall sign the minutes of the proceedings of the board, and shall sign all warrants drawn on the county treasury, unless in the event of his disability some other member of the board shall be designated by an appropriate resolution of the board so to do, and it shall be his duty to receive and prepare business and obtain information for the sessions of said board, and to see to the execution of all orders thereof, and to report to the board all infractions of the revenue law in said county of which he can obtain authentic information. He shall exercise all the powers and perform all the duties required of the probate judge as to matters coming before the court of county commissioners. He shall devote his full time to the duties of his office.

Section 6. *Duties of associate members.* Each associate member shall keep constantly advised as to the condition of county roads, bridges, and buildings and see that the same are kept in repair and improved. Each associate member of said board shall devote his full time to the duties of his office.

Section 7. *Automobile expense.* Where any member of the board shall use his privately owned automobile in and about the performance of his duties, he shall be furnished by the county, and at its expense, gasoline and motor oil, not to exceed fifty (50) gallons of gasoline and one (1) gallon of motor oil during any calendar month, to be used in his said automobile while engaged in the performance of the duties of his office.

Section 8. *Purchases for the county.* The board shall on all purchases for the county in excess of \$150.00, and for not more than \$1,000, receive publicly, competitive bids therefor after due notice, by posting at the courthouse door for at least five days prior thereto of the proposed purchases and a brief specification thereof, but for all purchases in excess of \$1,000, like advertisements shall be given at least one time in a newspaper of general circulation in the county. The provisions in this section contained shall not apply if purchases are made through any legally constituted state purchasing or contracting agency by whatever name or designation the same may be known.

Section 9. *Public meetings.* The board shall hold at least one public meeting weekly, at a regularly designated time which shall not be changed by the board on less than two weeks' notice; and the board shall keep complete and accurate written minutes of all meetings, business transacted and resolutions, and there shall be recorded therein the vote of each individual member, and at each said meeting the minutes of the previous meeting shall be read and all such minutes shall be open to public inspection at reasonable times.

Section 10. *Salaries.* From the effective date of this act, until the first Monday after the second Tuesday of January, 1949, the salary of the president of the board shall be four thousand two hundred dollars (\$4200) per annum, and the salary of each associate member shall be three thousand six hundred dollars (\$3600) per annum, all payable in equal monthly installments on the last day of each month out of the funds of the county. Beginning on the first Monday after the second Tuesday in January, 1949, the salary of the President of the Board shall be \$4500 per annum, and the salary of each associate member shall be \$4,000 per annum, all payable in equal monthly installments on the last day of each month out of the funds of the county. Neither the president nor the associate members of the board shall be entitled to any additional compensation, ex officio fees or charges, or to draw any mileage or per diem. The compensation provided in this section shall be the full compensation which the said president and associate members of the board shall be entitled to receive for their services.

Section 11. *Local acts repealed.* All local acts pertaining to the organization, duties and jurisdiction of the Board of Revenue of Etowah County are hereby repealed, but the Act to establish a county depository in lieu of a county treasurer for Etowah County passed and approved on June 3, 1935; 1935 Local Acts, page 34, is not repealed and is continued in full force and effect.

Section 12. This act is to become effective upon its passage.

Approved August 6, 1947.

No. 254)

(H. 638—Gillis and Tucker

### AN ACT

To amend Section 7 of an Act entitled "An Act to provide for the election of a County Superintendent of Education by qualified electors of Clarke County, to fix his term of office, to designate the time of said election, the time at which he shall assume the duties of said office, to prescribe the salary of said superintendent and manner of payment thereof, to define his qualifications, powers and duties, to provide for filling vacancy in said office, to require said superintendent to give bond, to prescribe the nature and amount of said bond and how the premium on same shall be paid", approved September 24, 1932.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Section 7 of an Act entitled "An act to provide for the election of a county superintendent of Education by qualified electors of Clarke County, to fix his term of office, to designate the time of said election, the time at which he shall assume the duties of said office, to prescribe the salary of said superintendent and manner of payment thereof, to define his qualifications, powers and duties, to provide for filling vacancy in said office, to require said superintendent to give bond, to prescribe the nature and amount of said bond and how the premium on same shall be paid.", approved September 24, 1932, be and the same is hereby amended to read as follows: Section 7. The annual salary of such Superintendent of Education shall be not less than thirty six hundred dollars (3600.00), nor more than forty two hundred dollars (4200.00), which salary shall be fixed by the County Board of Education of Clarke County, Alabama, and shall be payable in equal monthly installments. In addition to his salary, fixed as herein provided, he shall be allowed and paid the additional sum of Fifty Dollars (\$50.00) each month as constituting reimbursement for traveling expenses incurred in the performance of his duties.

Section 2. That this Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 6, 1947.

No. 258)

(H. 400—Sullivan, Johnston and Stone.

## AN ACT

To provide for and fix the compensation and duties of the Chief Clerk in the office of the Tax Assessor of Mobile County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Tax Assessor of Mobile County, Alabama may employ at the public expense a chief Clerk, such Chief Clerk to discharge the duties imposed upon him by law and by the Tax Assessor.

Section 2. That such Chief Clerk shall be paid a salary of \$4,200.00 per year, payable in equal monthly installments.

Section 3. That all laws, general, local or special in conflict with the provisions of this act are hereby repealed.

Section 4. This act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 6, 1947.

No. 259)

(H. 401—Sullivan, Johnston, Stone.

## AN ACT

To amend Section 2, as amended by a Local Act of the Legislature of Alabama, approved June 18, 1943, of a Local Act entitled "An Act to fix and regulate the salary to be charged or received by the tax collector of Mobile County; to provide for assistants to the said tax collector, and their compensation; to fix and regulate the method and basis of payment and collection of such salary of the tax collector and compensation for his assistants; to provide that such salary shall be in lieu of all other compensation, fees, commissions or emoluments; to declare the provisions of existing law, touching the commission of tax collectors for collecting general and special and school taxes, inapplicable to Mobile County; and to provide for the payment, into the County Treasury of Mobile County, of certain moneys, fees and penalties that were heretofore part of the compensation, emoluments and perquisites of the office of Tax Collector of Mobile County, Alabama," enacted by the Legislature of 1935 and approved August 15th, 1935, and set out in Local Acts of Alabama of 1935, page 139.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Section 2, as amended by a Local Act of the Legislature of Alabama, approved June 18, 1943, of a Local Act entitled, "An act to fix and regulate the salary to be charged or received by the tax collector of Mobile County; to provide for assistants to the said tax collector, and their compensation; to fix and regulate the method and basis of payment and collection of such salary of the tax collector and compensation for his assistants; to provide that such salary shall be in lieu of all other compensation, fees, commissions or emoluments; to declare the provisions of existing law, touching the

commission of tax collectors for collecting general and special and school taxes, inapplicable to Mobile County; and to provide for the payment, into the County Treasury of Mobile County, of certain moneys, fees and penalties that were heretofore part of the compensation, emoluments and perquisites of the office of the Tax Collector of Mobile County, Alabama," enacted by the Legislature of 1935 and approved August 15, 1935, be and it is hereby amended so as to read as follows: 'Section 2. The tax collector may employ, at the public expense, to aid him in the performance of his official duties, a Chief Clerk who shall be an employee of the tax collector and as such, may be discharged or otherwise dealt with by the tax collector in all respects as may be done between private employer and employee. Such Chief Clerk shall be paid a salary not exceeding Four Thousand two hundred (\$4,200.00) Dollars a year, in equal monthly installments.'

Section 2. Nothing in this bill shall be construed as repealing any part of the Act commonly known as the Mobile County Civil Service or Merit System Act, approved September 15, 1939. (Local Acts 1939, No. 470, House Bill No. 952, Langan, Meggison, Stone).

Section 3. All laws, general, local or special, in conflict with this act are hereby repealed.

Section 4. This act shall take effect immediately upon its approval by the Governor.

Approved August 6, 1947.

No. 260)

(H. 404—Sullivan, Johnston, Stone.

#### AN ACT

To provide for and fix the compensation and duties of the Chief Assistant in the office of the Clerk of the Circuit Court of Mobile County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Clerk of the Circuit Court of Mobile County, Alabama, may employ at public expense one Clerk to serve as Clerk of the Criminal Division of said Court to be known as the Chief Assistant to the Clerk of said Court and authorized to perform all of the official duties of the Clerk of said Court who shall be an employee of the Clerk of said Court and as such may be discharged or otherwise dealt with by the Clerk of said Court in all respects as may be done between private employer and employee, such Chief Assistant to discharge the duties imposed upon him by law and by the Clerk of said Court.

Section 2. That such Chief Assistant shall be paid a salary of \$4200.00 per year, payable in equal monthly installments.

Section 3. That all laws, general, local or special, in conflict with the provisions of this Act are hereby repealed.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 6, 1947.

No. 261)

(H. 571—Pruitt)

## AN ACT

Relating to Sumter County; creating a Board of Commissioners of Sumter County in lieu of the Board of Revenue, which is hereby abolished; prescribing the election, terms of office, qualifications, and powers of the members of the Board of Commissioners; defining and regulating the jurisdiction, powers, and duties of the Board of Commissioners in general and in respect to the construction and maintenance of roads and bridges; and the acquisition of personal property.

*Be it Enacted by the Legislature of Alabama:*

Section 1. BOARD OF COMMISSIONERS CREATED. The Board of Revenue for Sumter County, Alabama, established by Local Acts, 1919, p. 51, is abolished and a Board of Commissioners is created and established in lieu thereof.

Section 2. MEMBERSHIP. The Board of Commissioners of Sumter County shall be composed of three members, a chairman and two commissioners who shall be qualified electors of Sumter County.

Section 3. ELECTION AND TERM OF OFFICE. One of the commissioners shall be designated Commissioner, Place No. 1 and at the time of his election he shall be a resident of the area of Sumter County south of Sucarnoochee River. The other commissioner shall be designated Commissioner, Place No. 2 and at the time of his election he shall be a resident of the area of Sumter County north of the Sucarnoochee River. The Chairman of the Board may reside anywhere in Sumter County. The commissioners and the chairman shall be elected by the qualified electors of the entire county in the same manner as is prescribed by the general laws of Alabama for the election of members of county governing bodies. Members of the Board of Commissioners shall hold office for terms of four (4) years and until their successors are elected and qualified.

Section 4. VACANCIES. Any vacancy occurring in the membership of the board shall be filled by an appointment made by the Governor from a list of nominees prepared in the following manner: (a) In the case of a vacancy in Place No. 1, the Governor shall make an appointment from a list of three (3) nominees comprised of two (2) nominations made by the Town Council of York and one (1) nomination made by the Town Council of Cuba. (b) In the case of a vacancy in Place No. 2, the Governor shall make an appointment from a list of five (5) nominees comprised of two (2) nominations made by the Town Council of Livingston, and one (1) each made by the Town Councils of Gainesville, Epes, and Geiger. (c) In the case of a vacancy in the chairmanship, the Governor shall make an appointment from a list of (8) nominees comprised of two (2) nominations made by the Town Council of Livingston, two (2) made by the Town Council of York and one (1) nomination each made by the Town Councils of Cuba, Gainesville, Epes, and Geiger.

Section 5. MEETINGS. Regular meetings of the Board of Com-

missioners shall be held on the first Monday in each month, or on the following Tuesday if the first Monday falls on a holiday. Special meetings may be called by any two members. All members shall be given notice in writing at least two (2) days prior to any special meeting. No more than twenty-four (24) regular and special meetings shall be held in any calendar year. Minutes and records of all official acts of the board shall be kept and shall be open for public inspection at any reasonable time.

Section 6. COMPENSATION. Members of the Board of Commissioners shall receive no compensation for their services, except that they shall be paid ten dollars (\$10) a day for attendance at a meeting of the board. When any member of the board is authorized by the board to travel outside of Sumter County on county business, his expenses shall be paid in accordance with the same rules as are applied by the State of Alabama to official travel by its employees.

Section 7. POWERS, DUTIES, AND AUTHORITY OF THE BOARD OF COMMISSIONERS. All powers, duties, and authority now vested in the Sumter County Board of Revenue are transferred to the Board of Commissioners of Sumter County. Except as otherwise provided in this Act, the members of the Board of Commissioners shall have and exercise collectively the authority, jurisdiction, power, and duties now or hereafter granted and conferred upon members of county governing bodies by the laws of the State. Members of the Board of Commissioners shall be subject individually and collectively to all the disabilities, limitations, restrictions, and penalties now imposed by law upon members of a county governing body.

Section 8. COUNTY ENGINEER. In addition to its other duties and authorities, the Board of Commissioners shall appoint a county engineer in accordance with Chapter 5 of Title 12 of the Code of Alabama of 1940. The powers and duties of such county engineer shall be as set out in said chapter, except that he shall be paid a salary of not less than three thousand dollars (\$3,000.00) nor more than five thousand dollars (\$5,000.00) per year, and shall serve at the will and during the pleasure of the Board.

Section 9. PURCHASING. The county engineer shall also serve as purchasing agent for Sumter County, and under the supervision of the Board of Commissioners; a) The county purchasing agent shall have authority: 1) to establish standard specifications for supplies, equipment, and materials needed or used by the county, its officers, departments, and agencies (which term when used in this Section includes the county board and superintendent of education); 2) to operate a central storeroom; 3) to require county officers, departments, and other agencies to prepare estimates of requirements; 4) to transfer among county officers, departments, and agencies surplus supplies, equipment, and materials, or to sell the same; 5) to negotiate for the purchase and acquisition of all supplies, equipment, materials, or contractual services required or used by the county or any of its

officers, departments, and agencies; 6) to promulgate reasonable rules and regulations governing the acquisition of supplies, materials, and equipment, or the disposal of surplus or obsolete personal property of the county. (b) The county purchasing agent shall obtain at least three written, sealed competitive bids for all purchases of supplies, material, equipment, and contractual services when the amount involved is ten dollars (\$10) or more. It shall be a violation of this Section to divide or adjust otherwise the quantity of a purchase to an amount less than ten dollars (\$10) for the purpose of evading this Section. Invitations for bids shall be posted on a bulletin board in the county courthouse and sent to prospective suppliers at least five calendar days before the final date for submitting bids. Bids shall be opened publicly by the county purchasing agent at a time and place stated in the invitations. The county purchasing agent shall award the purchase to the lowest responsible bidder, or he may reject all bids and renegotiate the purchase when the public interest will be served thereby. Provided, however, that in making such purchases, the purchasing agent shall obtain information from the Division of Purchases and Stores of the State Department of Finance concerning the price to the State of the items to be purchased, and if the State price is less than the lowest bid received, and if the delivery date is reasonable, all bids shall be rejected and the purchase shall be negotiated through the State Purchasing Agent. (c) In an emergency and after approval of the purchase by the Chairman of the Board of Commissioners, the purchasing agent may negotiate a purchase costing in excess of ten dollars (\$10) by soliciting three bids verbally, or by telephone, telegraph, or letter. (d) The provisions regarding three competitive bids may be waived by the Board of Commissioners for the purchase of specialized services or spare parts for specific makes of machinery which are not generally rendered or handled by merchants or supply houses. (e) Any official or person who purchases or procures the purchase of, any supplies, materials, equipment, or services for the county contrary to the provisions of this section shall be personally liable for the amount of such purchase.

Section 10. **REPORTS.** The county engineer in his capacity as engineer and purchasing agent shall make and file with the Board of Commissioners at least once each year a complete inventory of all supplies and materials owned by the county, with the original cost and estimated current value thereof. He shall also make and file with the Board of Commissioners a report at least once each year as to the road construction and maintenance activities of the county, with an accurate accounting of the costs thereof, and a report as to purchases made for each office or department of the county.

Section 11. **BOND.** The county engineer shall give bond of such character and such sum as the Board of Commissioners shall from time to time prescribe, payable to Sumter County. The Board



of Commissioners may authorize the payment of the premium for such bond out of county funds.

Section 12. CLERICAL ASSISTANCE. The Board of Commissioners may authorize the employment of such clerical or stenographic help as may be needed by it or by the county engineer.

Section 13. EFFECTIVE DATE. Within five (5) days after the passage of this Act, the Probate Judge of Sumter County shall call by proclamation a special election for the purpose of electing the first members to the Board of Commissioners. The proclamation shall state the time of holding the election and shall be published once a week for four (4) consecutive weeks in a newspaper of general circulation in the county. The election shall be held not less than forty (40) nor more than sixty days from the date on which the proclamation is first published. The election herein specified shall be called, held, conducted, the vote canvassed, and the result declared in the same manner as provided by law in respect to elections at which county officials are elected, except as otherwise specified herein. The first members of the Board of Commissioners shall assume office on the first Monday after the second Tuesday in January 1948 for terms of three (3) years. Their successors shall be elected at the general election in 1950 and every four (4) years thereafter for four (4) year terms commencing on the first Monday after the second Tuesday in January, 1951, and every four (4) years thereafter.

Section 14. SEVERABILITY. The provisions of this Act are severable. If any part of this Act is declared to be unconstitutional or invalid, such declaration shall not affect the remainder.

Approved August 6, 1947.

No. 262)

(H. 596—Gibson, Sadler, Kaul, Adams  
(Jefferson), Meeks, Beatty and Dumas

#### AN ACT

To Provide methods of appointment to and terms of office of certain Recorders of the City of Birmingham, Alabama; to define the powers, duties, and qualifications of such officers, and provide for the salaries of such officers and fixing the manner of payment of such salaries; to define the duties and powers of other officials with respect to said offices including the power to provide for filling absences of such officers during absence or disability and for other purposes.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That from and after November 1st, 1947, all Recorders of the City of Birmingham regularly assigned to the trial of causes involving violation of any of the ordinances of the City of Birmingham, statutes of the State of Alabama, or any other law, shall be appointed for terms of four (4) years in the manner and under the conditions following, to-wit: A. Such appointments shall be made by a majority vote of the members of the City Commission or other governing body

of the City of Birmingham, with the advice of: (1) President of the Birmingham Bar Association and (2) A Judge of the Circuit Court for the Tenth Judicial Circuit of Alabama regularly assigned to the trial of appeals to said Court from the Recorder's Court of the City of Birmingham. B. Any such appointment may be vacated before the expiration of any term for which such Recorder was appointed by a unanimous vote of the members of the City Commission or other governing body of the City of Birmingham, and the President of the Birmingham Bar Association, and the Judge of the Circuit Court for the Tenth Judicial Circuit of Alabama regularly assigned to the trial of appeals of said Court from the Recorder's Court of the City of Birmingham.

Section 2. That the Recorders referred to in Section 1 of this Act shall be learned in the law and shall at the time of their appointment, as well as during their tenure of office, be residents of the City of Birmingham, Alabama.

Section 3. That in the absence, disability, or disqualification of any such Recorder, the Commissioner of Public Safety of the City of Birmingham, or that officer of the governing body of said City with direct supervision of the functions of Public Safety, may appoint some person to act in such Recorder's stead during such interval, and such person so appointed shall have and exercise the powers and duties of such Recorder, and shall be compensated out of the City Treasury in such sum as the Commission or other governing body of said City may provide.

Section 4. That each Recorder described in Section 1 of this Act shall receive an annual salary in such sum as may from time to time be fixed by the City Commission of Birmingham or such other governing body, which salary shall be payable out of the Treasury of said City in either monthly or semi-monthly installments. No such Recorder's salary shall be diminished or increased during his term of office; provided, however, that in case of a general decrease in the salaries or compensation of all or substantially all City employees, such decrease may be applied proportionately to the salaries of such Recorders; and that in case of a general increase in the salaries or compensation of all or substantially all City employees, such increase shall be applied proportionately to the salaries of such Recorders.

Section 5. The provisions of this Act are intended and shall apply only to those Recorders specifically described in Section 1 of this Act, and is not intended to apply to the appointment of or tenure of office of other Recorders of the City of Birmingham who are not regularly assigned to the trial of causes as described in Section 1.

Approved August 7, 1947.

No. 263)

(H. 606—Sullivan, Stone and Johnston

## AN ACT

To provide and fix the compensation of the Judge of the Inferior Criminal Court of Mobile County for services rendered from and after the passage of this Act in the Civil Division of the Inferior Criminal Court of Mobile County and to provide for the payment thereof out of the Treasury of Mobile County.

*Be it Enacted by the Legislature of Alabama:*

1. That from and after the passage of this Act and its approval by the Governor, the Judge of the Inferior Criminal Court of Mobile County shall receive as compensation for services rendered in the Civil Division of the Inferior Criminal Court of Mobile from and after the passage of this Act, the sum of Twelve Hundred Dollars per annum, payable in monthly installments out of the Treasury of Mobile County.

2. This Act shall go into effect upon its passage and approval by the Governor.

Approved August 6, 1947.

No. 264)

(H. 663—Gibson, Beatty, Dumas,  
Adams (Jefferson), Meeks

## AN ACT

To increase the compensation of the Judge of the Jefferson County Court of Misdemeanors; to invest said court with jurisdiction in bastardy proceedings; and to provide for the appointment and compensation of a special judge of said court at times when the regular judge thereof is ill, disqualified or unable to serve.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That in addition to the compensation now being paid to the judge of the Jefferson County Court of Misdemeanors, there shall be paid an additional salary of nine hundred dollars per annum which shall be paid out of the general treasury of Jefferson County in equal monthly installments.

Section 2. That in addition to the jurisdiction now vested in the Jefferson County Court of Misdemeanors, said court shall have and it is hereby invested with all of the powers, authorities, and jurisdiction in bastardy proceedings as are possessed by justices of the peace.

Section 3. If the judge of the Jefferson County Court of Misdemeanors shall be unable to discharge the duties of his office by reason of illness, disqualification or inability to hold court, the Presiding Judge of the Circuit Court shall appoint a licensed attorney, resident of Jefferson County, who shall perform all of the duties of the judge of said court during such illness, disqualification or inability of the Judge. Such special judge shall receive the same compensation as the regular judge, provided, however, that if the illness, disqualification or

inability to serve, of the regular judge, shall exceed thirty days during any calendar year, the compensation of the special judge for all time served by him in excess of thirty days during any calendar year shall be deducted from the salary or compensation of the regular judge.

Approved August 7, 1947.

No. 265)

(H. 668—Cox

### AN ACT

To alter the corporate limits of the Town of Maplesville, Chilton County, Alabama, and to rearrange and define the boundaries thereof.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That hereafter the corporate limits of the Town of Maplesville, Chilton County, Alabama, shall be, as follows: Commencing at the Northwest corner of the Southwest quarter of the Southwest quarter of Section 16, Township 21, Range 12, in Chilton County, Alabama, and run thence East to the West bank of Mulberry Creek; thence run in a Southerly direction on and along the West bank of said Mulberry Creek following the meanderings thereof to the point where said West bank of Mulberry Creek intersects the South boundary line of Section 21, Township 21, Range 12; thence run West to the Southwest corner of Section 21, Township 21, Range 12; thence run North to the point of beginning, in Chilton County, Alabama, it being the intention hereof to describe and embrace all of the land in the South half of the South half of Section 16, Township 21, Range 12, and all of the land in Section 21, Township 21, Range 12, lying West of Mulberry Creek. All of the territory embraced within the above described boundaries shall be included within the corporate limits of said town.

Section 2. That this act shall take effect immediately upon its passage and approval.

Approved August 6, 1947.

No. 266)

(H. 669—Buckner

### AN ACT

For the relief of W. R. Griffin and Graf Hart.

*Be it Enacted by the Legislature of Alabama:*

The governing body of Cullman County, Alabama shall pay to W. R. Griffin and Graf Hart the sum of One Hundred Twenty-five Dollars each out of the general fund of said county for services rendered by the said W. R. Griffin at the primary elections held in Cullman County, Alabama in May and June, 1946, and for services rendered by said Graf Hart at the general election in 1946 with reference to the handling of absentee ballots in said elections, and as compensation for their

services in performing the duties of the Probate Judge with reference to receiving requests for absentee ballots, making a record of the same, and issuing absentee ballots in said elections, by reason of the fact that the Probate Judge and the Sheriff of Cullman County, Alabama were disqualified to perform said duties.

Approved August 6, 1947.

No. 268)

(H. 584—Coburn

### AN ACT

Relating to privilege licenses: levying an additional tax upon sellers of malt or brewed beverages who are engaged in that business in Colbert County; providing for the assessment, collection, and distribution of the proceeds of the tax; defining violations of the Act and prescribing penalties therefor.

*Be it Enacted by the Legislature of Alabama:*

Section 1. This Act shall apply in, and only in, Colbert County; it does not alter or repeal any statute, but is in addition to and cumulative of laws now in effect.

Section 2. (A) As used in this Act, unless the context requires a different meaning: "person" includes a firm, corporation, club, partnership, company, trustee, agency, or association, or any agent, servant, employee, or officer thereof; "seller" means a person who is engaged in the business of selling, distributing, delivering, storing, or taking out of storage, malt or brewed beverages within the county; "malt or brewed beverages" includes beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume. (B) The rules of construction and interpretation of statutes contained in Title 1 of the 1940 Code shall apply in the construction and interpretation of this Act.

Section 3. Each seller of malt or brewed beverages shall pay a license tax to the county in an amount equal to one cent on each twelve fluid ounces or fractional part thereof of malt or brewed beverages sold, distributed, delivered, stored, or taken out of storage within the county, unless an exemption is secured as provided by Section 6. The tax shall be in addition to all other taxes and licenses imposed by law.

Section 4. Each seller, except a seller who claims and obtains exemption under the provisions of Section 6, shall, on or before the fifteenth day of each month, file with the probate judge and the license inspector of the county, on forms to be prescribed and furnished by the probate judge, a written statement, sworn to and subscribed by him, which shall show: 1) the name and address of the seller; 2) each purchase or receipt of malt or brewed beverages made by him during the calendar month next preceding; 3) the name and address of the distributor, seller, or other person from whom purchased, received, or procured; 4) the brands purchased or received;

5) the quantity of each brand; 6) the size and kind of containers of each brand; 7) the date or dates on which purchased, received, or procured; 8) the name and address of each distributor, seller, or other person to whom any malt or brewed beverages were sold, distributed, or delivered; 9) the quantity of each brand sold, distributed, or delivered to each; 10) the size and kind of containers of each brand; 11) the date or dates on which sold, distributed, or delivered.

Section 5. The license tax imposed by Section 3 shall be paid on or before the fifteenth day of each calendar month. The amount due shall be based on the sale, distribution, delivery, storage, and taking out of storage of malt or brewed beverages during the preceding calendar month.

Section 6. A seller purchasing malt or brewed beverages from any other seller who has paid the license tax imposed thereon by Section 3 is exempt from paying the tax upon his application to the probate judge. The application for exemption from the payment of the tax shall be made by the seller on or before the fifteenth day of each calendar month. The application, verified by the oath of the seller, shall show: 1) the name and address of the applicant; 2) each purchase, receipt, or procurement of malt or brewed beverages made during the calendar month next preceding; 3) the name and address of the distributor, seller, or other person from whom purchased, received, or procured; 4) the brand of the malt or brewed beverages; 5) the quantity of each brand; 6) the size and kind of containers of each brand; 7) the date or dates on which purchased, received, or procured; and 8) the disposition thereof by the seller claiming the exemption.

Section 7. It is unlawful for any agent, servant, or employee of any seller who is delinquent in the payment of the license tax required by this Act to assist or carry on the business of the seller. Each day the agent, servant, or employee of a delinquent seller engages in or assists in carrying on such business shall constitute a separate offense.

Section 8. (A) Each seller shall keep complete records of all purchases, sales, receipts, inventories, and all other matters necessary to determine the correct amount of license tax for which he is liable. In the event a seller discontinues his business, he shall not dispose of his records without giving the probate judge and the license inspector thirty days' notice in writing. (B) The seller's records, books of accounts, bank deposit books, and bank statements shall be open during reasonable hours at the place of business of the seller, for inspection and examination by the probate judge, or his agent, and the license inspector. (C) In the event the amount of tax due by the seller cannot be accurately determined from the seller's monthly report, or if the seller does not keep adequate records, or if he refuses to allow an examination of his records, the amount of tax due may be determined from any other information or data available, and

the amount of the tax so determined shall be assessed against the seller. Notice of such assessment shall be given to the seller and a demand made for immediate payment. (D) No person shall divulge any information obtained by him in the course of an inspection and examination of the records of any seller, except to a person duly authorized by the county or municipal governing body, the judge of probate, the county attorney, the license inspector, or others connected with the administration of this Act, unless he is required to do so by an order of a competent court.

Section 9. The license tax imposed by this Act shall be paid to the Probate Judge, and the proceeds shall be distributed by him as follows: two-fifths to the Hospital fund of the County; one-fifth to the County Board of Education for the benefit of the schools outside of the cities of Sheffield and Tuscumbia; one-tenth to the Tuscumbia Board of Education for the benefit of the schools of the City of Tuscumbia; one-tenth to the Sheffield Board of Education for the benefit of the schools of the City of Sheffield; and one-fifth to the general fund of the county. For such services, the Probate Judge shall be entitled to commissions of two and one-half per cent ( $2\frac{1}{2}\%$ ) of all taxes collected.

Section 10. A person who violates the provisions of this Act is guilty of a misdemeanor; and each day his violation continues shall constitute a separate offense.

Section 11. No seller shall continue in business when he is in default in the payment of the tax imposed by this Act. In addition to other penalties, a delinquent taxpayer shall be liable for a penalty of twenty per cent of the amount found to be due by him. Penalties shall be paid into the general fund of the county.

Section 12. This Act shall not apply to acts or transactions in interstate commerce; nor shall any provision hereof apply to any business conducted by or for the United States or any other government.

Section 13. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid or inoperative, the remainder of the Act and the application thereof to any other person or circumstance shall not be affected thereby.

Section 14. This Act shall become effective upon its passage.

Approved August 8, 1947.

No. 273)

## AN ACT

(S. 292—Hardwick

- (a) To create and establish in the City of Dothan a Civil Service System effecting certain personnel whose compensation is now or may hereafter be payable, in full or in part, from the public funds of Dothan; (b) to create a Personnel Department consisting of a Citizens Supervisory Committee, a Personnel Board and a Personnel Director, for the supervision and administration of the system and department herein created; (c) to fix and define the powers and authority and to prescribe the duties of each;

(d) to define the scope and extent of the operation of the system of its powers and authority over the City of Dothan and its employees; (e) to provide for the payment of the expenses of the administration of this Act and the system and department created; (f) to provide for the adoption of reasonable Rules and Regulations; (g) to provide for the enforcement of the provisions of this Act and the Rules and Regulations adopted pursuant thereto and to provide penalties for their violation; (h) to authorize the discharge and suspension of employees; and (i) to repeal all laws and parts of laws and all ordinances and parts of ordinances in conflict with its provisions.

*Be it Enacted by the Legislature of Alabama:*

Section 1. DESIGNATION OF ACT. This Act is hereby designated "The Civil Service Act of Dothan."

Section 2. DEFINITIONS. The following words, terms and phrases, wherever used in this Act, shall have the meaning respectively ascribed to them in this Section, unless the context plainly indicates a different meaning: "Masculine Gender" shall comprehend all other genders; "Committee" means the Citizens Supervisory Committee herein created; "Board" means the Personnel Board herein authorized; "Director" means the Personnel Director herein created; "Appointing Authority" means a person, officer, board, commission or other agency charged with the duty and having the powers to make appointments to offices or positions under the Classified Service; "Employee" means a person in the Classified Service herein set up and appointed by the Appointing Authority, unless herein expressly excepted; "Classified Service" includes all offices, positions and employment in the City of Dothan as these offices, positions and employment now or may hereafter exist, the holders of which are paid whether by salary, wages or fees, in whole or in part from funds of the city, except those expressly placed in the "Unclassified Service"; "Employment Register" means records containing names of those persons who have successfully completed prescribed tests, listed and ranked in order of their final earned averages, from the highest to the lowest; "Roster" means records of persons in the Classified Service and the nature and character of the service required; "Tests" means written or oral examinations and other methods, established by Rules and Regulations of the Board or Director, to determine the merit, qualifications, efficiency and general fitness of applicants for positions; "Public Hearings" means a meeting of the Board open to the public, where any citizen, taxpayer or other interested party may appear and be heard, subject to the duly adopted Rules and Regulations; "Public Record" means a record which the members of the Public shall have the right to inspect, within reason and during ordinary business hours; "Department Head" means the party in charge of any department, division or branch of the City government or service; and "Rules and Regulations" means a prescribed course of procedure



adopted by the Board to promote the administration of the Provisions of this Act and the System hereby created.

Section 3. UNCLASSIFIED SERVICE. The following named officials, persons and agencies of the city shall constitute the "Unclassified Service" (a) officers elected by popular vote and their successors in office; (b) principals, supervisors, teachers and instructors, engaged in supervising or teaching in the public schools, and all employees of the City Board of Education; (c) the Personnel Director provided for by this Act; (d) independent contractors receiving their remuneration from public funds under contract awarded by competitive bidding; (e) common laborers not engaged in regular employment; (f) attorneys, physicians, surgeons, and dentist employed in their professional capacities; (g) the judge of any municipal court; (h) Members of Boards who are not employed on a full-time basis and not required to devote their entire services to the city; and (i) Department Heads consisting of: (1) Chief of Police, (2) Fire Chief, (3) Head of Office and Clerical Department, (4) Superintendent of Streets and Sanitation, (5) Superintendent of Water and Electrical Plant Operations and Distributions System, (6) Director Recreation Department, and (7) Director Engineering Department and Sanitary Extensions.

Section 4. PERSONNEL DEPARTMENT CREATED. There is hereby created and established in and for the City of Dothan a Personnel Department, consisting of a "Citizens Supervisory Committee", a "Personnel Board", and a "Personnel Director", each of which shall have the power and authority, perform the duties and functions, and receive the remuneration hereinafter provided.

Section 5. PURPOSES OF PERSONNEL DEPARTMENT. Said Personnel Department shall, to the extent hereinafter provided, govern, supervise and control all individuals of the Classified Service, by Civil Service Rules and Regulations, and in the manner hereinafter authorized.

Section 6. CITIZENS SUPERVISORY COMMITTEE. The membership of the Citizens Supervisory Committee shall consist of qualified electors in the City of Dothan, who, upon the passage of this Act, are respectively the president or other chief executive officers by whatever name called, of the following respective organizations, associations, groups and unions, now existing in the City, and generally known as: (a) Chamber of Commerce, (b) Junior Chamber of Commerce, (c) Kiwanis Club, (d) Rotary Club, (e) Exchange Club, (f) Dothan Chapter of Alabama Federation of Women's Clubs, (g) Business and Professional Women's Club, (h) Parents and Teachers Associations, (i) Pilot Club, (j) Lions Club, (k) Dothan Building and Construction Trades Counsel, and (1) Carpenters Local Union. The organizational or first meeting

of the Committee shall be held one week from the day this Act became effective, at the City Hall, at eleven o'clock a.m. The failure of any one or more of those hereinabove designated to present themselves for membership on said Committee shall not effect the right of the remainder to constitute the initial membership unless there be less than five present. The committee shall designate one of its own members as chairman, and he shall be permitted to vote only in the case of a tie. The proposed members of the Committee present, in the event less than five members attend the organizational meeting, shall adjourn the meeting and call a second organizational meeting at a time and place to be then determined, in no event beyond five days. The designated Members of the Committee shall have the right, respectively, to serve as Members of the Committee during the period which such members hold the position of chief executive in the respective organization, association, group or union, above identified. Any citizen of Dothan, at any time subsequent to the adjournment of the effective organizational meeting, may file with the Chairman of the Committee written objections to the right of any person to sit on the Committee, however, no grounds of objections shall be considered except those based on the ground that the person objected to is not the executive officer of one of the identified organizations, associations, groups or unions, and therefore not lawfully authorized to serve on the Committee. The chairman shall rule upon the objections in writing and the first order of business at the next meeting of the Committee shall be a report by the chairman of the objection and his ruling thereon. His rulings shall be final unless the objecting party within five days duly appeals to the Committee, in which event the seated members shall upon a hearing of the objection, after notice is duly given to the objecting party and the party objected to, determine the qualifications of the party objected to. The vote of a majority of the members of the Committee present shall govern in all matters if a quorum be present. The Committee may adopt, from time to time, such Rules and Regulations and modes of procedure as it deems expedient to enable it to dispatch its business in an orderly manner. The chairman may call upon the Chief of Police of the City to attend the meetings of the Committee and preserve order and execute the decisions, rules and orders of the Committee and of the chairman thereof. The chairman may punish for contempt of the Committee in like manner and extent as may be done by the Judges of the Circuit Courts of this State. The Personnel Director, when selected, shall act as secretary and such secretary shall be the keeper and custodian of the minutes, records, property and paraphernalia of the Committee, and he may call upon the Personnel Board to furnish such supplies and a safe place for keeping the records and property. The expense and costs of giving

notice of meetings shall be paid in the manner provided in this Act. The Committee shall meet within ten days after the organizational meeting to do all things necessary and proper to put into effect and operation the provisions of this Act, and thereafter the Committee shall meet in regular session on the third Tuesday in the month of March, of each year, at an hour to be determined by the chairman, to receive an annual report of the Personnel Board and to make such recommendations to the Board as it shall deem in the interest of the sound administration of this Act, to elect a successor of any member of the Personnel Board whose term of office expires before the next annual meeting of the Committee, and to transact such other business as may properly come before the Committee. The Chairman of the Committee or any five members thereof may call special meetings of the Committee to transact any business which may have arisen. All meetings shall be held at the City Hall, or some other public meeting place designated by the chairman. Notice of all call-meetings of the Committee shall be given by registered mail and by publication, in some daily newspaper published within the City, once each day for three consecutive days immediately preceding such meeting; such notice must be signed by the persons calling the meeting and the purposes thereof shall be briefly outlined. Notice of the annual meeting shall be given in like manner, but failure of any member to receive notice of any meeting, either annual or special, shall not invalidate any act of the Committee transacted at such meeting. A majority of the persons serving as members of the Committee shall constitute a quorum to do business, but less than that number may adjourn, and may compel the attendance of the absent members, in such manner and under such penalties as may be prescribed by the Rules and Regulations promulgated by the Committee. The Committee shall serve without compensation and shall have general supervisory control of the finances of the Personnel Department.

**Section 7. ALTERNATE METHOD OF SELECTING BOARD.** In the event the Committee shall fail for any reason to elect the personnel Board for a period of thirty (30) days after this Act becomes effective, or in the event the Committee shall fail to fill any vacancy on the Personnel Board within a period of thirty (30) days after such vacancy occurs, then, and in that event, the Governor is hereby empowered, authorized and directed to appoint the members of said Board or fill any vacancy thereon.

**Section 8. PERSONNEL BOARD.** The Personnel Board shall consist of three members and they and their successors in office shall be elected or appointed by the Citizens Supervisory Committee and their terms of office shall be: two years, four years, and six years, respectively, beginning as of the effective date of this Act, and their successor in office shall serve for a

period of six years and until their successors in office have duly qualified. The Committee shall designate the member whose term of office shall be two years; the member whose term of office shall be four years; and the member whose term of office shall be six years; and the chairman of the Board shall be the member chosen to serve for the term of six years. Each member shall be: (a) over twenty-one years of age, (b) of recognized good character and executive ability, (c) a bona fide resident of Dothan, and (d) a qualified elector of Dothan. No person shall be elected or appointed as a member of said Board if he is or has been within three years next preceding the date of his appointment a candidate for public office in the City of Dothan; and any member of said Board who shall receive an appointment to any public office in the City or Houston County or becomes a candidate for any public office in the City or Houston County shall forthwith forfeit his position as a member of said Board. Each member shall receive \$10.00 for each meeting of the Board actually attended by him, provided no member shall receive more than \$200.00 for services during any one year. The Board shall meet once each month, on dates to be fixed by its Rules and Regulations, and oftener if it becomes necessary for the orderly dispatch of its business. The Board shall have the power and authority and it shall be its duty to: (a) select a Personnel Director of the City of Dothan; (b) adopt Rules and Regulations for the administration of the provisions of this Act; (c) approve, modify, revise and reject recommendations made by the Director; (d) make reasonable investigation of all charges or complaints presented to it, concerning the observance of the provisions of this Act; (e) enforce the provisions of this Act and the provisions of the Rules and Regulations made in pursuance thereof; (f) consider and determine all matters referred to it by the Director; (g) do all things necessary and proper to improve the administration of the Classified Service hereby established; (h) advise with and assist the Director in fostering and promoting the public interest; and (i) exercise all other powers, functions and duties provided by this Act or essential to its effective administration.

Section 9. PERSONNEL DIRECTOR. The Personnel Director shall be elected or appointed by the Personnel Board and over twenty-one years of age, (b) of recognized good character he shall serve at the pleasure of the said Board; he shall be: (a) and administrative ability, (c) a qualified elector of Dothan, and (d) a bona fide resident of Dothan. The salary of the Personnel Director shall be fixed by the Board, subject to the approval of the City Commission, however, within the following limitations: (a) not less than \$1500.00 nor more than \$1,800.00 for the first year and (b) not less than \$900.00 nor more than \$1,200.00 for each subsequent year. The Director shall have power and authority

and it shall be his duty to; (a) direct and supervise the administrative and technical activities of the department; (b) appoint from the Employment Register, with the approval of the Board, such employees and special assistants as may be necessary to effectively organize the Department and the System herein created; (c) attend all meetings of the Board and provide for recording its official acts; (d) prepare and recommend Rules and Regulations for the administration of the provisions of this Act; (e) recommend and on its adoption establish, administer and execute a plan for a Classified Service in the City of Dothan; (f) submit to the Board a Compensation Plan for all positions in the Classified Service; (g) Conduct Test, formulate Employment Registers and certify names of persons qualified for appointment under the Classified Service; (h) devise and administer an Employment Service Rating; (i) examine all payrolls or other compensation for personnel service, within the Classified Service, and to disapprove from time to time, any compensation which is not in line with the Compensation Plan adopted by the Board; (j) to establish and maintain a Roster of all of the officers and employees in the Classified Service; (k) make reasonable investigations pertaining to personnel, salary scales and employment conditions in the Classified Service as may be requested by the Board, the Citizens Supervisory Committee or by the Governing Body of the City; (l) make investigations concerning the administration and effect of this Act, the Rules and Regulations made thereunder and to report his findings and recommendations to the Board; (m) make at least one comprehensive annual report to the Board, which shall include the Efficiency Rating of each person employed under the Classified Service; and (n) perform any other act or acts required of him under the provisions of this Act, by the Personnel Board or by the Citizens Supervisory Committee, which may be necessary or proper to carry into effect the purposes and objectives of this Act.

Section 10. RULES AND REGULATIONS. No Rule or Regulation shall be adopted by the Board unless it is proposed at a prior meeting and public notice thereof given by posting a copy of same within the vestibule of the City Hall and any citizen or taxpayer in the City of Dothan may appear before the Board and advocate or protest the adoption of such Rule or Regulation. The scope of all Rules and Regulations shall be: (a) to provide a method for administering the Classification Service and the Compensation Plan, adopted by the Board; (b) to establish, maintain, consolidate and cancel Personnel lists; (c) to provide a system for receiving, accepting or rejecting applications for test; (d) to prescribe the manner of giving tests, grading papers and otherwise determining the qualifications of applications for rating under the Classified Service; (e) pertaining to the adoption and application of a Service Rating System; (f) pertaining to uniform recommenda-

tions as to working conditions, hours of employment, leaves of absence and vacations of employees in the Classified Service; and (g) the order and manner in which suspension from service may be applied to persons in the Classified Service. All Rules and Regulations, duly adopted by the Board, if not inconsistent with the provisions of this Act, shall have the force and effect of law and shall become effective when a copy thereof is recorded in the office of the Clerk of the City.

Section 11. CLASSIFICATION OF POSITIONS. The Director shall, as soon as practicable after his appointment, ascertain and record an outline of the duties of each position to be filled from the Classified Service, and, after consultation with the Appointing Authority, recommend to the Board a Classification Plan, together with proposed Rules and Regulations for its administration. Such plan shall show each class of position in the Classified Service, separately stated as to each Appointing Authority, and, when approved by the Board, the plan together with the Rules and Regulations for its administration shall be made public. Each such class shall include positions requiring duties which are substantially similar in respect to the authority, responsibility and the character of the services required, and shall be designated by a title indicative of such duties. Each class shall be so defined that the same general requirements as to education, experience, capacity, knowledge, skill, and aptitude are demanded of incumbents, for the proper performance of their respective duties. The same test of fitness may be used in selecting qualified appointees, the same schedule of pay may apply where equitable and the same practical plan of promotion and demotion shall as far as practicable be followed. The Director shall have authority and it shall be his duty to investigate the number of employees in any department or office in the city and if in his opinion, after conference with the Department Head, there are an excessive number, or an insufficient number of employees, in proportion to the amount of work required in such department or office, the Director shall recommend to the Board that the excessive number of employees be laid off or transferred, either permanently or temporarily in accordance with the provisions of this Act; or the Director, if in his judgment there be an insufficient number of employees, may, with the approval of the Board, certify to the Appointing Authority additional names to fill such positions, and the Appointing Authority shall forthwith put into effect the order of the Personnel Board, in such respect.

Section 12. COMPENSATION PLAN. The Director shall prepare and recommend to the Board, after consultation with the Appointing Authority and other officers, a uniform Compensation Plan for all employees in the Classified Service; such plan shall include, for each class of positions, a minimum and maximum rate,

not inconsistent with such rate or rates as may be fixed by law, in other specific instances. The Director, in establishing such rates, shall give consideration to the experience in recruiting for positions in the Classified Service, the prevailing rates of pay for comparable services in public and private employment, living costs, maintenance or other benefits received by employees, and the financial condition of the City. Such Compensation Plan shall take effect when approved by the Board, and same may be thereafter modified or revised at the pleasure of the Board. Each employee in the Classified Service shall be paid initially at the minimum rate fixed in the Compensation Plan for the Class of Positions in which he is employed, and the raising or lowering of the pay of an individual, within such limitations, shall be done upon request of the Appointing Authority, with a similar recommendation by the Director, and the approval of the Governing Body. However, the foregoing provisions may be relaxed by the Board in fixing the compensation of persons employed by the City at the time this Act becomes effective.

Section 13. TESTS. The Director shall prepare and conduct tests for the purpose of enabling him to establish Employment Registers for the various classes of positions in the Classified Service. The tests shall be prepared and conducted so as to take into consideration elements of character, reputation, education, aptitude, experience, knowledge, physical fitness and other pertinent matters. Such tests may be given in writing, orally, or in any other manner which will enable the Director to determine the fitness of the applicant for acceptance into some class of position in the Classified Service. Public notice of the time, place and general scope of every test must be given by the Director. Promotional Tests shall be conducted in like manner and embrace the same subject matter as initial test for similar Classified Employment. Admissions to test shall be open to all persons who: (a) reasonably appear to the Director to possess the required qualifications, (b) may be lawfully appointed to a position in the class for which a list is to be established, and (c) pays the fees, if any, prescribed by the Rules. The Director may, however, reject the application of any person for admission to test, or may strike the name of any person from a list, or refuse to certify the name of a person on a list for a position, if he finds that such person: (a) lacks any of the required qualifications; (b) is physically unfit to perform any of the duties of the position in which he seeks employment; (c) is addicted to the habitual use of drugs or intoxicating liquors; (d) has been convicted of any crime involving moral turpitude; (e) has been dismissed from public services for delinquency; (f) has made a false statement of a material fact pertaining to his qualifications and service; and (g) practiced or attempted to practice any fraud or deception in his application or

Test, or in attempting to secure appointment. The names of persons employed by the City at the time this Act becomes effective shall be placed on the Employment Roster without rating and they shall be subject to all the provisions of this Act, except a certificate from the City Commission that any employee of the City has been employed in the same line of service for a period of two years and that such employee has rendered satisfactory service to the City shall relieve such person of taking any test authorized by the provisions of this Act, to continue to hold such position provided such employee is otherwise qualified. An honorable discharged veteran of the armed forces of the United States who has served as much as one year during any war period shall receive a credit equivalent to five points together with an additional point for each year's additional service, in the determination of his grade on any test taken under the provisions of this Act. Any veteran who has service-connected disability which entitles him to compensation from the United States, or his wife if he is not qualified for city employment, or the widow of any person who died or was killed as a result of his services in the armed forces of the United States, or the widow of an honorably discharged veteran of the United States, who served during any war period, shall be entitled to and shall receive the equivalent of ten points, which points shall be added to the grade made on any test taken under the provisions of this Act.

Section 14. FILLING VACANCIES. When any vacancy occurs in the Classified Service the Appointing Authority of the City shall notify the Director and the Director, subject to the approval of the Board, may fill such vacancy by promotion, transfer or demotion, where practicable. However, when it is necessary to fill a vacancy by appointment, the Appointing Authority shall submit to the Director a statement of the title of the position and the desired qualifications of the person to be appointed, and request the Director to certify to him the names of persons eligible for appointment to the position. The Director shall certify to the Appointing Authority the name of three ranking eligibles from the most appropriate register and, if more than one vacancy is to be filled, the name of one additional eligible for each additional vacancy, or, if agreeable to the Appointing Authority, all of the names on the register, if there be less than the above required number. If it is impossible to locate any of the persons so certified or if any of the certified persons decline to accept the position, and there are by reason thereof less than the above required number of eligibles, the Appointing Authority may request that additional names be certified until the proper number of eligible persons have been certified. The Appointing Authority shall, within ten days, appoint one of those whose names are certified to fill each vacancy. In the event the requested number of eligibles can-



not be certified to the Appointing Authority, he may choose from the remaining certified names or may elect to make a provisional appointment as provided in this Act. In the event there does not exist an Employment Register, which the Director deems appropriate for the class in which the position is established, he shall prepare such a register within a reasonable time after receipt of the request of the Appointing Authority that eligibles be certified. Whenever an eligible has been certified to and objected by the Appointing Authority as many as three times, the Director may remove the name of such person from the Employment Register.

Section 15. TRANSFER. The Appointing Authority may, when desirable, transfer a Classified Employee under his jurisdiction from one position to another in the same class. Any Classified Employee may be transferred from one department to another in the same class, provided the Director has authorized the transfer and it has been approved by the Appointing Authority concerned. The Appointing Authority shall give written notice to the Director of each Transfer made by him and same may be disapproved by the Board, after a hearing.

Section 16. DEMOTIONS. An Appointing Authority may, with the approval of the Director, Demote a Classified Employee under his jurisdiction from a position in one class to a position in a lower class, upon giving written notice stating the reasons thereof, but such Demotion may be disapproved by the Board, after a hearing.

Section 17. PROVISIONAL APPOINTMENTS. Whenever in the opinion of the Director it is impossible within a reasonable time to certify eligible persons for appointment to a vacancy in the Classified Service, the Appointing Authority may nominate a person for the vacancy to the Director. If such nominee is found by the director to have had experience and training which appear to qualify him for the position, the Director may authorize the Appointment of such person to such vacancy only until an appropriate eligible Register can be established and an Appointment made therefrom. Such Provisional Appointments shall be for a period of ninety (90) days and may, with the approval of the Director, be extended for an additional ninety (90) days, however, in no event shall a Provisional Appointment be made for a period aggregating more than 180 days.

Section 18. WORKING TEST PERIOD. (a) Every person appointed to a position in the Classified Service, after certification of his name from a Promotion List or an Employment Register, shall be tested by a Working Test while occupying such position. The period of such Working Test shall commence immediately upon appointment and shall continue for such time, not less than six months, as shall be determined by the Director. The Appointing Authority shall observe the employee's attitude toward his

work, his capacity to perform the duties required of him, any habits which may affect in any manner the character of service performed by him, and his general dependability, during such Working Test Period, and report to the Director, periodically as required, in writing, the results of such observation. The Appointing Authority may remove an employee, after a reasonable Test Period, if in his opinion the employee is unable or unwilling to perform the prescribed duties satisfactorily, or if his habits or dependability do not merit his continuance in the service. Notice of such removal, with the reasons assigned therefor, shall be given to the employee and the Director, at the time of the discharge. No more than two employees shall be removed successively from the same position by the same Appointing Authority, during their Working Test Period, without the approval of the Director. The Director may remove an employee during his Working Test Period if he finds, after notice and an opportunity to be heard, that such employee was appointed as a result of a fraud or error. (b) Ten days prior to the expiration of an employee's Working Test Period, unless the employee has been previously removed, the Appointing Authority shall notify the Director in writing whether the service of the employee has been satisfactory and whether he will continue the employee in his position, and a copy of such notice shall be given to the employee. If he is not to be continued in the position, after such notice the employee shall not be paid for work performed after the expiration of his Working Test Period. (c) If any employee is removed from his position during his Working Test Period and the Director determines that he is suitable for appointment to another position, his name may be restored to the list from which it was certified. If any such employee was a regular employee in another position in the Classified Service immediately prior to his appointment and such position has not been filled, he shall be reinstated and, if such position has been filled, his name shall be placed on the reemployment list.

Section 19. SERVICE RATINGS. The Director shall establish, in cooperation with the Appointing Authorities, a system of Service Ratings, based upon standards of employment and output of employees in each class of positions in the Classified Service, which may be amended from time to time as the necessity arises, and such Service Ratings shall be considered in such manner and with such weight as shall be provided by the Rules and Regulations: (a) in determining salary increases or decreases, within the established limits; (b) as a factor in Promotional Test; (c) as a factor in determining Lay-offs, when forces should be reduced because of insufficient funds or work; (d) in determining the order in which names are to be placed on the Re-employment Lists; and (e) as a means of discovering employees who should be promoted, demoted, transferred or dismissed. Each Appointing Au-

thority shall report to the Director, in such manner and at such times as the Rules and Regulations require, the Service Ratings of employees in his division or department and shall also disclose such other information as the Director may request, to enable the Director to determine the Service Ratings of all employees. Each employee shall be given reasonable opportunity to inspect the records of the Department which show his Service Ratings and the Service Ratings of other employees in the same class and division.

Section 20. LAY-OFFS. An Appointing Authority may Lay-Off employees in the Classified Service, in accordance with the Rules and Regulations adopted under the provisions of this Act, whenever he deems it expedient because of shortage of work or funds or material changes in duties or organization, and Seniority and Service Ratings of employees shall control in determining the order of Lay-Offs. The Appointing Authority shall give written notice to the Director of every proposed Lay-Off, at least ten days before the effective date thereof, and the Director shall make such orders relating thereto as he considers necessary to secure compliance with the established Rules and Regulations. The name of any regular employee laid-off shall be placed on the appropriate Re-employment List.

Section 21. DISCHARGES. (I) The Appointing Authority may discharge an employee in the Classified Service, whenever he considers the good of the service and the welfare of the city will be best served thereby, by making and filing in his office an order to that effect together with the reasons assigned for the discharge, however, the power to discharge shall not be capriciously or arbitrarily exercised in any case; a copy of such order and the reasons assigned shall be served upon each the employee and the Director before the effective date thereof; and a copy served upon the Director shall be filed and retained in this office as a Public Record. The discharged employee may, within ten days after receipt of the discharge-notice, appeal the action of the Appointing Authority to the Board, by filing a written answer to the chairman with a demand for a hearing. It shall be the duty of the Board to fix a time and place for a hearing on the appeal, and to give notice thereof to the employee and the Appointing Authority, which appeal shall be heard by the Board on a date not later than twenty days from the date the appeal is taken. If the Appointing Authority is sustained by the Board, the discharge shall be final as of the date thereof; if the discharge is not sustained, the employee shall continue in the service of the City and shall be entitled to full compensation. (II) A person in the Classified Service may also be removed or disciplined in the following manner: charges may be filed with the Director, by any officer, citizen, or taxpayer of the city and the Director shall, after an

investigation, certify the charges filed, together with the results of his investigation, to the Personnel Board and said Board shall set a day for a public hearing on such charges. The Board shall on the date fixed receive testimony offered in support of and in denial of such charges and from such testimony make a finding of the facts and applicable law involved, in writing, and make such orders and decrees with reference thereto as may be just and reasonable and for the best interest of the city. The findings of fact by the Board, based upon its records and the testimony taken before it, shall be conclusive if supported by substantial evidence. (III) If a person in the Classified Service relies upon a direct order by a superior: (a) as a defense or excuse for the violation of any of the provisions of this Act or the Rules and Regulations adopted thereunder, or (b) an omission to observe the provisions of this Act or the Rules and Regulations adopted thereunder, he must establish such direct order of a superior to the reasonable satisfaction of the Board.

Section 22. **SUSPENSIONS.** An appointing Authority may, from time to time, suspend an employee without pay or other compensation, as punishment for improper behavior, but no employee may be suspended for a period or periods within the aggregate of more than thirty days in any year's service. A Suspension may be effected by serving written notice upon the employee together with a statement clearly setting forth the causes thereof; a copy of which must be forthwith mailed or delivered to the Director. The suspended employee may file with the Board and the Appointing Authority a written answer or explanation of the assigned charges and such answer shall be preserved as a part of the Public Record and the Board may, for cause shown, set aside such suspension order.

Section 23. **POLITICAL ACTIVITIES PROHIBITED.** (a) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the Classified Service, or in any way favored or discriminated against with respect to employment in the Classified Service because of his political or religious opinions or affiliations. (b) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the Classified Service. (c) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment, or advantage in appointment, to a position in the Classified Service, or an increase in compensation or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any other consideration. (d) No employee in the Classified Service shall, directly or indirectly, pay or promise to pay any assessment, subscription or contribution for any po-

litical organization, or purpose, or solicit, or take any part in soliciting any such assessment, subscription or contribution. No person shall solicit any such assessment, subscription or contribution of any employee in the Classified Service. (e) No employee in the Classified Service shall be a member of any national, state or local committee of a political party, or an officer of a partisan political club, or a candidate for nomination or election to any public office, or shall take any part in the management of the affairs of any political party, or any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote. (f) Any officer or employee in the classified Service who violates any of the foregoing provisions of this Section shall forfeit his office or position and may not be again employed by the City of Dothan. Provided, however, the provisions of this Act shall not preclude any employee in the Classified Service who has been elected to public office or nominated or selected as a member of a committee of a political party prior to the effective date of this Act from discharging duties of his office.

Section 24. **POLITICAL ACTIVITIES OF DEPARTMENTS HEADS PROHIBITED.** (a) No employee named in Section 3 (i) of this bill shall: (a) use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure for any person an appointment, or advantage in appointment, to a position in the Classified Service, or an increase in compensation or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any other consideration. (b) Directly or indirectly, pay or promise to pay any assessment, subscription or contribution for any political organization, or purpose, or solicit, or take any part in soliciting any such assessment, subscription or contribution. No person shall solicit any such assessment, subscription or contribution of any employee in the Classified Service. (c) Be a member of any national, state or local committee of a political party, or an officer of a partisan political club, or a candidate for nomination or election to any public office, or shall take any part in the management of the affairs of any political party, or any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote. Any such officer or employee who violates any of the foregoing provisions of this Section shall forfeit his office or position and may not be again employed by the City of Dothan.

Section 25. **INVESTIGATIONS.** The Board and the Director shall make a study of all matters touching the administration and enforcement of the provisions of this Act and the Rules and Regulations adopted thereunder. To this end, the Board or the Director may visit all offices and places of employment to ascertain information and to advise with the heads of the various

departments concerning their method of handling matters affecting the Service; and to ascertain if the provisions of this Act and the adopted rules and Regulations are fully complied with. The Board or Director, in the course of such inquiries, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production of records, books, papers and documents pertaining to the subject-matter under Investigations. The Board, or the Director, shall have the authority to inquire into the number of employees in any office or department and, after notice and an opportunity to be heard by the Appointing Authority and the employees affected, the Board may determine there is an excessive number of employees in such office or department, in proportion to the amount of work required, and, in that event, it shall issue an order in writing to the Appointing Authority to eliminate the number of employees found to be excessive, in the manner prescribed by this Act or the Rules and Regulations, and such order shall be forthwith complied with by the Appointing Authority. The Board and the Director shall also study the organization of the system, procedure of administration and other matters which affect the successful operation of the system and make such lawful changes as may increase efficiency or economy.

Section 26. CORRUPT PRACTICES. (a) No person shall make any false statement, certificate, mark, rating or report with regard to any Test, certification or appointment made under any provision of this Act or in any manner commit or attempt to commit any fraud preventing the impartial execution of the provision of this Act and the prescribed Rules and Regulations. (b) No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the Classified Service. (c) No employee of the Department or other person shall defeat, deceive, or obstruct any person in his right to an examination, eligibility, certification or appointment under the provisions of this Act, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any persons with respect to employment in the Classified Service. (d) No person, whether employed at the time of the passage of this Act in the Classified Service as defined in this Act or who applies for appointment to any position in the Classified Service after the passage of this Act, shall be allowed to fill any position within the Classified Service, or allowed to continue to hold such position, if said person is related by blood or marriage within the fourth degree to the Public Officer who is or would be his or her superior, or so related to any member of any Board or Body constituting the Appointing Au-

thority over such position, and the Personnel Board and Personnel Director shall administer this Act accordingly. The Commission of any such corrupt practice shall constitute a misdemeanor and shall be punished in the manner provided by the general laws of the State.

Section 27. CERTIFICATIONS OF PAYROLLS. (a) It shall be unlawful for any City official, employee or other officer to pay or cause to be paid any salary or compensation to any person in the Classified Service of the City, for personal services, unless the payroll, estimate, voucher, or account, for such compensation, containing the name of the persons to be paid, shall bear the certification of the Director that the person or persons named therein are employees of the city and are legally entitled to receive the sums stated therein. (b) Any sum paid in violation to the provisions of this Act or the Rules and Regulations adopted thereunder may be recovered, in an action maintained in the name of the City, by the City Attorney, or by any Citizen or Taxpayer of the City, from the officer who made, authorized or approved such payment or who signed or countersigned any voucher, payroll, check or warrant for such payment, or from the sureties on the official bond of such officer, and all money recovered in such action shall be paid into the city treasury. (c) Any person appointed or employed in violation of the provisions of this Act, the Rules and Regulations adopted, or the orders of the Board, who perform service for which he cannot be lawfully paid out of the municipal funds, may maintain an action against the Appointing Authority to recover the agreed pay for such services, or the reasonable value thereof, and no officer shall be reimbursed by the City at any time for any such sum recovered and paid. (d) If the Director wrongfully withholds certification of the payroll, voucher, or account of any employee, such employee may maintain a proceeding to compel the Director to certify such payroll, voucher or account. (e) A thirty-day month shall be used for the purpose of calculating the pay of employees compensated on a monthly basis.

Section 28. ATTENDANCE OF WITNESSES: FEES: FALSE OATHS. Any person who shall be served with a subpoena, issued in the course of an investigation or hearing conducted under any provision of this Act, to appear and testify or to produce records, books, and papers, who shall disobey or neglect to obey any such subpoena shall be guilty of a misdemeanor and punished as provided by the general laws of the state. The fees of witnesses for attendance shall be the same as fees of witnesses before the courts of record and shall be paid as provided in this Act. Any judge of a court of record, upon application of a member of the Board or the Director, shall compel the attendance of witnesses, the production of records, books and papers and the

giving of testimony before the Board, by attachment, contempt proceedings or otherwise, in the same manner as the production of evidence may be compelled before said court. Any person who, having taken oath or made affirmation in the cause of any investigation or hearing under the provisions of this Act, shall willfully and knowingly testify or declare falsely shall be guilty of perjury and upon conviction shall be punished as provided by the general laws of the State. The Director or the Board may require the Attendance of employees who are needed as witnesses without subpoena.

Section 29. **EXPENSES OF THE DEPARTMENT.** The salaries and other compensation herein authorized to be paid to the members of the department herein created, together with the necessary expenses actually incurred by such Committee, Board or Director shall be paid by warrant or requisition drawn by the Personnel Board and signed by at least two members thereof; such warrant or requisition shall be drawn upon the same officer, payable in the same manner, and out of the same funds, as the salaries of the members of the City Commission are paid. The Personnel Director shall, within ninety days after his appointment, submit a budget of operating expenses to the Personnel Board, and furnish a copy thereof to the Governing Body of the City, for the fiscal year ending October 1, 1947 and he shall likewise submit a budget of such operating expenses not less than forty-five days before the beginning thereof for each subsequent fiscal year; and such budgets may include expenses incurred in any previous year and not duly paid. The Governing body of the City may appear before the Board and protest the approval of any item which it deems unnecessary or excessive, however, the Board may adopt a reasonable budget over the protest of the Governing Body of the City.

Section 30. **USE OF BUILDING.** The officials of the City are hereby required to furnish to the Board and the Director necessary facilities for conducting investigations and holding tests and examinations provided for under the Provisions of this Act.

Section 31. **LEGAL SERVICE.** It shall be the duty of the City Attorney to furnish legal advice and legal service to the Board and the Director, in the administration of the Provisions of this Act and the Rules and Regulations adopted in pursuance thereof. However, the Board is hereby authorized to employ special counsel when deemed necessary to preserve and enforce the Provisions of this Act and, the City is hereby required to pay reasonable compensation for such service.

Section 32. **RECORDS OF THE DEPARTMENT.** The records of the Department, except such records as the Rules and Regulations may require to be held confidential for reasons of public policy, shall be Public Records and open to public inspec-



tion, subject to reasonable regulations as to the time and manner of inspection.

Section 33. COURT PROCEEDINGS. Orders of the Personnel Board may be enforced by mandamus, injunction, quo warranto or other appropriate proceedings, in any court of competent jurisdiction. Any person or City official directly interested may, within five days, appeal to the Circuit Court of Houston County from any order of said Board by filing notice thereof with the Board, whereupon said Board shall certify to a transcript of the proceedings before it and file the same in said Court. The findings of fact by said Board, duly set forth in the transcript, if supported by substantial evidence adduced before said Board, after notice to the interested party or parties and after affording such parties an opportunity to be heard, shall be conclusive on any appeal. The issues on such appeal shall be made up under the directions of the court and within thirty days after such transcript is filed in court; and the trial thereof shall proceed on the evidence contained in such transcript, if it appears that the evidence was taken after such notice and opportunity to be heard. If upon such appeal the court finds that the ruling, order or action appealed from is unlawful or unreasonable, within the meaning of this Act, it shall have power to vacate or modify the same.

Section 34. SEVERABILITY. This Act is hereby declared to be divisible and severable and the holding of any Provision thereof to be void, ineffective or unconstitutional for any cause, by any court of competent jurisdiction, shall not in any manner serve to affect the other Provisions thereof and such remaining portions of said Act shall remain in full force and effect.

Section 35. REPEALING CLAUSE. All laws or parts of laws and all ordinances or parts of ordinances inconsistent with any of the provisions of this Act are hereby expressly repealed.

Section 36. EFFECTIVE DATE. This Act shall become effective upon its adoption and approval or when it otherwise becomes law. However, a period of ninety days thereafter shall be allowed in which to organize and prepare for the administration of the provisions of the Act.

Approved August 7, 1947.

No. 274)

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### AN ACT

(S. 301—Hardwick

To amend Section 1 of Act No. 11, approved May 19, 1945 (Local Acts, 1945, page 8), which fixes the compensation, salaries, and allowances payable to the Sheriff of Houston County and the employees of his office.

*Be it Enacted by the Legislature of Alabama:*

Section 1 of Act No. 11, approved May 19, 1945 (Local Acts, 1945, page 8), which fixes the compensation, salaries, and allowances

payable to the Sheriff of Houston County and the employees of his office, is amended to read as follows: "The Sheriff of Houston County, Alabama, shall receive and be paid an annual salary of four thousand eight hundred dollars (\$4,800), in lieu of other compensation, fees, and emoluments, except as otherwise hereinafter provided for in this Act. The said sheriff shall be allowed the sum of twelve thousand four hundred eighty dollars (\$12,480) per annum for help and assistants as follows: one chief deputy at two thousand seven hundred dollars (\$2,700) per annum; two deputies at two thousand one hundred dollars (\$2,100) each per annum; two deputies who shall also serve as jailors at one thousand eight hundred dollars (\$1,800) each per annum; and one bookkeeper-deputy at one thousand nine hundred eighty dollars (\$1,980) per annum. The Sheriff of Houston County shall further be allowed his necessary expenses in apprehending and returning prisoners from other States, up to and including four hundred dollars (\$400) per annum; said expense money to be paid on requisition filed with and approved by the Board of Revenue of Houston County, Alabama. All payments as provided for in this Act shall be paid out of the general funds of Houston County, in equal monthly installments, at the end of each month, upon separate warrants drawn in the same manner as employees of Houston County are paid. The selection and appointment of said deputies, jailors and bookkeeper shall be made by the Sheriff of Houston County, and they shall serve only at his pleasure."

Approved August 8, 1947.

No. 278)

(H. 352—Adams (Jefferson), Beatty,  
Dumas, Gibson, Kaul, Meeks, Sadler.

#### AN ACT

To amend Title 62, Section 618, of the Code of Alabama, 1940.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Title 62, Section 618, of the Code of Alabama, 1940, be amended so as to read as follows: 618.—USE, OPERATION, MAINTENANCE OF, AND ALLOWANCE FOR PASSENGER AUTOMOBILES BY CITIES.—When the word "automobile" is used herein the same shall mean a passenger automobile. No person who is a member of the governing board or body by whatever name it may be called of a city shall be provided at the expense of such city with a passenger automobile for either the public, private, or official use of such person. It shall be unlawful for such person to buy gasoline or other motor fuel or motor oil or automotive accessories, including tires, from such city. It shall be unlawful for any member of such governing body to buy, or receive as a gift or otherwise, from such city, either

directly or indirectly, any gasoline, oil, grease, automobile, or other article or commodity used or usables in connection with automobiles, owned or controlled by such city, or to use the same except in the performance of his official duty, or for any person connected with such city to vote for, or participate in, any such sale or disposition to such member. It shall be lawful, however, and the governing body of the city shall have authority by resolution to so authorize and approve a monetary allowance not to exceed the sum of fifty dollars monthly to be made to any of the members of such governing body for and on account of the use of an automobile owned or controlled by a member of such governing body, in the event such automobile is used by such member of such governing body partially or entirely in connection with the performance of his official duties as a member of such governing body. The governing body of each such city is hereby charged with the duty of causing the outward surface of each passenger automobile owned or controlled by such city, except those devoted exclusively to the use of the fire or police departments, to be maintained, at all times while so owned or controlled, a bright red or crimson color, and also with the further duty of causing to be maintained upon the outer surface of each such automobile, in a conspicuous place and of different color, the unobscured name of such city in plain letters and figures at least four inches high, and it shall be unlawful for any person to drive or operate any such automobile while any of the aforesaid duties remain unfulfilled and unperformed. It shall also be unlawful for any person to drive or operate any such automobile, except one devoted exclusively to the use of the fire or police department, during any time when his name is not conspicuously displayed on the outside of each said automobile in legible letters at least two inches high. When an automobile is designated or assigned or the custody thereof delivered to a given person or persons for use in and about the city's business for a period longer than one calendar week, such assignment must be accomplished by formal resolution of the governing body of the city, which shall appear on its minutes, and no assignment shall be valid for more than one year from the date made. Any officer, agent, servant or employee of any such city, who for his own private use or purpose, or for the use or purpose of any person, firm, or corporation other than such city, uses or authorizes any other person to use any automobile owned or controlled in whole or in part by such city, or any gasoline or other motor fuel, any motor oil, any tires, accessories, or automotive equipment belonging to such city in whole or in part, shall be guilty of a misdemeanor. Any passenger automobiles owned by such city, except those devoted exclusively to the use of the police and fire departments, shall be placed in the city's garage or barn at the close of each day's service, and

there remain until removed therefrom for further use on the next business day. Such automobile shall also remain in such barn or garage during Sundays or holidays and during any other period when not in use. It is provided, however, that in the event an officer or employee of the city to whom an automobile has been assigned, shall make and file an affidavit with the city's governing body that it is necessary in the performance of his duties for the city for him to keep or remove said car out of said garage or barn during all or a part of the time designated for said car to be kept in said garage or barn, and if such officer or employee request the city's governing body to authorize him so to do, the governing body of the city may, if it deems the request in the best interest of the city, by resolution so authorize and approve, but such approval shall not be effective for more than twelve months from the date given. The possession of an automobile owned or controlled by such city contrary to the provisions hereof is hereby declared to be a misdemeanor. Except as provided in this section it shall be unlawful for any officer, agent or employee of such city, or of any agency or instrumentality of such city, to store or garage upon his residence premises, or upon premises controlled by him, or at any place other than a central garage or barn of such city, any passenger automobile owned or controlled by such city, at any time when such automobile is not in actual use upon the business of such city. It shall be unlawful for any person or persons to use or operate, or permit the use or operation of, any automobile owned or controlled by any such city for any purpose other than the public business of such city. The doing of any act herein declared to be unlawful, or herein prohibited, or the violation of any of the provisions hereof, or any intentional connivance at, or circumvention, or attempt to circumvent, the provisions of this section, shall constitute a misdemeanor, and any one adjudged to be guilty thereof shall be punished by fine not exceeding five hundred dollars, and may be sentenced to hard labor for the city affected for not exceeding twelve months, one or both.

Section 2. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Approved August 12, 1947.

No. 284)

# AN ACT

(H. 657—Doughty)

To Authorize the Court of County commissioners of Pickens County, Alabama, or other Governing Bodies of said County, to pay a salary to a Deputy Sheriff, other than and in addition to the Chief Deputy Sheriff holding appointment from the Sheriff of a said County to pay a Salary to such other Deputy Sheriff of not more than \$200.00 a month to be paid by monthly installment out of the Treasury of the County upon

the Warrant of the Court of County Commissioners or the governing body of the said County.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Court of County Commissioners or like governing bodies of Pickens County, Alabama, be and the same is hereby authorized to pay a salary to a Deputy Sheriff, other than and in addition to the salary paid to the Chief Deputy Sheriff of the said County, holding appointment from the sheriff of said County as now provided by law, in an amount not exceeding \$200.00 per month to be paid out of the County Treasury of said County upon the warrant of the Court of County Commissioners of said County, or like governing bodies of said County.

Section 2. That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

Approved August 12, 1947.

No. 285)

(H. 688—Denton

### AN ACT

To amend an Act entitled "An Act To provide for the election of a county superintendent of education for Blount County, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the term and compensation of such officer."

*Be it Enacted by the Legislature of Alabama:*

Section 4 of an Act entitled "An Act to provide for the election of a county superintendent of education for Blount County, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the term and compensation of such officer," approved September 24, 1923, is amended to read as follows: "Section 4. The county superintendent of education shall devote his entire time to the public school business of Blount County and shall receive such salary as the county board of education shall fix, which salary shall not be less than eighteen hundred dollars (\$1,800) nor more than thirty-six hundred dollars (\$3,600) per year and they may change the salary at any time during his term of office. The salary of the superintendent shall be paid in the same manner as is provided by the general laws of Alabama for the payment of salaries of county superintendents of education. In addition to the salary authorized by this Act, the County Board of Education of Blount County, Alabama, is empowered to fix, approve, and authorize the payment of traveling expenses not in excess of six hundred dollars (\$600.) annually actually incurred by the county superintendent in the performance of his official duties within and without the county." This act shall become effective on passage and approval of the Governor.

Approved August 12, 1947.

No. 286)

(H. 693—Snodgrass &amp; O'Neal

## AN ACT

To Change the Corporate Limits of the City of Scottsboro, Jackson County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the corporate limits of the City of Scottsboro, Alabama, be, and the same are hereby established so as to include the following described real estate, to-wit: The Southeast quarter ( $SE\frac{1}{4}$ ) and the East half ( $E\frac{1}{2}$ ) of the Southwest quarter ( $SW\frac{1}{4}$ ) of Section 24; the East half ( $E\frac{1}{2}$ ) of the Northeast quarter ( $NE\frac{1}{4}$ ) and the Northeast quarter ( $NE\frac{1}{4}$ ) of the Southeast quarter ( $SE\frac{1}{4}$ ) of Section 25, all in Township 4 South of Range 5 East; also the South three-fourths ( $S\frac{3}{4}$ ) of Section 19; the South three-fourths ( $S\frac{3}{4}$ ) of Section 20, except the Southeast quarter ( $SE\frac{1}{4}$ ) of the Southeast quarter ( $SE\frac{1}{4}$ ); the West half ( $W\frac{1}{2}$ ) of the Northeast quarter ( $NE\frac{1}{4}$ ); the Northwest quarter ( $NW\frac{1}{4}$ ) and the North half ( $N\frac{1}{2}$ ) of the Southwest quarter ( $SW\frac{1}{4}$ ) of Section 29, and all of Section 30, except the Southwest quarter ( $SW\frac{1}{4}$ ) of the Southwest quarter ( $SW\frac{1}{4}$ ) and the Southeast quarter ( $SE\frac{1}{4}$ ) of the Southeast quarter ( $SE\frac{1}{4}$ ); also the Northwest quarter ( $NW\frac{1}{4}$ ) of Section 21, all in Township 4 South of Range 6 East, in Jackson County, Alabama.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

Section 3. This Act shall take effect on the 1st day of October, 1947.

Approved August 12, 1947.

No. 287)

(H. 699—McGowin and Thagard

## AN ACT

To provide that justices of the peace and notaries public ex officio justices of the peace in Precinct Twelve, Butler County, Alabama shall have territorial jurisdiction coextensive with the limits of Butler County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1: Each justice of the peace and notary public ex officio justice of the peace in Precinct Twelve, Butler County, Alabama, shall have jurisdiction of all civil and criminal matters, including suits to recover possession of real estate coextensive with the territorial limits of Butler County, Alabama.

Section 2: This act shall be effective immediately upon its passage and approval.

Approved August 12, 1947.

No. 290)

(H. 711—Black

## AN ACT

To amend Section 5 of "an act to create for Walker County, Alabama, the office of full time health officer: to provide for the election of such health officer and prescribe the term of office, duties, salary and expenses of such officer" as such section was amended by act approved February 14, 1919.

*Be it Enacted by the Legislature of Alabama:*

That Section 5 of "an act to create for Walker County, Alabama, the office of full time health officer; to provide for the election of such health officer and prescribe the term of office duties, salary and expenses of such officer" approved September 17, 1915, as such section was amended by act approved February 14, 1919, be and the same hereby is further amended to read as follows: Section 5. That the salary of the health officer of Walker County, Alabama, shall be \$4,800.00 a year; the same to be paid in monthly installments of equal amounts out of the general funds of Walker County, Alabama, and shall be a preferred claim against the county.

Approved August 12, 1947.

No. 291)

(S. 321—Howle

## AN ACT

To re-establish the office of coroner for Calhoun County; to provide for the coroner's election, term of office and compensation; and to repeal Act No. 355, **Local Acts, 1939**, page 242.

*Be it Enacted by the Legislature of Alabama:*

Section 1. There is hereby re-established the office of coroner for Calhoun County. A coroner shall be elected at the general election of 1950, and every four years thereafter. Except as otherwise provided herein, the office shall be governed in all respects by Chapter 4 of Title 12 of the 1940 Code.

Section 2. The coroner of Calhoun County shall receive an annual salary of nine hundred dollars, payable in equal monthly installments out of the general fund of the county on the warrant of the County Board of Revenue. All fees collected by the coroner shall be paid into the general fund of the county.

Section 3. Immediately after the passage of this Act, the Governor shall appoint a coroner for Calhoun County to serve until his successor is elected and qualified as provided in Section 1.

Section 4. Act No. 355, **Local Acts, 1939**, page 242, is hereby repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is held to be unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1947.

No. 292)

(S. 323—Kendall

### AN ACT

To Alter the Corporate Limits of the City of Evergreen, Conecuh County, Alabama, and to Arrange and Define the Boundaries Thereof.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That hereafter the corporate limits of the City of Evergreen, Conecuh County, Alabama, shall be as follows: All of the territory defined and included in the following description, to-wit: Beginning in the center of the Court House Square in the City of Evergreen, Conecuh County, Alabama, in the Northwest 1/4 of the Northwest 1/4 of Section 3, Township 5 North, Range 11 East, and run due North to the Township line dividing Township 5 North, Range 11 East and Township 6 North, Range 11 East; thence West along said Township line to the Northwest corner of Section 4, Township 5 North, Range 11 East, and the Southwest Corner of Section 33, Township 6 North, Range 11 East, for a point of beginning; thence South along the Section line dividing Sections 4 and 5, 8 and 9, Township 5 North, Range 11 East, one and one-half miles to the Southwest corner of the Northwest 1/4 of Section 9, Township 5 North, Range 11 East; Thence East along the East and West one-half Section line of Sections 9, 10 and 11, Township 5 North, Range 11 East, two and one-half miles to the center of Section 11, Township 5 North, Range 11 East; thence North along the North and South one-half Section line of Sections 11 and 2, Township 5 North, Range 11 East, and Section 35, Township 6 North, Range 11 East, two and one-half miles to the Northeast corner of the Northwest 1/4 of Section 35, Township 6 North, Range 11 East; thence West along the North line of Sections 35, 34 and 33, Township 6 North, Range 11 East, two and one-half miles to the northwest corner of Section 33, Township 6 North, Range 11 East; thence South along the Section line dividing Sections 32 and 33, Township 6 North, Range 11 East, one mile to point of beginning, all lying and being in Conecuh County, Alabama. All of the territory embraced in the above described boundaries shall be included within the corporate limits of said City of Evergreen, Conecuh County, Alabama.

Section 2. The boundaries set out in Section 1 of this Act be, and the same are, hereby established as the corporate limits of the City of Evergreen, Conecuh County, Alabama.

Section 3. That all laws and parts of laws, local and general,



in conflict herewith, be, and the same are, hereby repealed.

Section 4. This Act shall become effective upon its passage and approval by the Governor.

Approved August 12, 1947.

No. 293)

(S. 329—Boutwell)

### AN ACT

To increase and fix the salary of the Clerk of the Circuit Court of Jefferson County, Tenth Judicial Circuit of Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The salary of the Clerk of the Circuit Court of Jefferson County, Tenth Judicial Circuit of Alabama shall be increased to and fixed at five thousand four hundred (\$5,400.00) dollars per annum, which said salary shall be paid out of the County Treasury of Jefferson County in equal monthly installments.

Section 2. This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 12, 1947.

No. 294)

(S. 330—Boutwell)

### AN ACT

To fix the salary of the Register of the Circuit Court of the Tenth Judicial Circuit of Alabama (Jefferson County) and to regulate the payment of the same.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Register of the Circuit Court of the Tenth Judicial Circuit of Alabama, in Equity, shall receive a salary of Fifty seven hundred dollars (\$5700) per annum, which said salary shall be paid out of the County Treasury of Jefferson County, Alabama, in equal monthly installments and shall be in lieu of all other compensation, fees or emoluments.

Section 2. That all laws, general, local or special, in conflict with this Act be and the same are hereby repealed.

Section 3. This act shall go into effect upon its approval by the Governor.

Approved August 12, 1947.

No. 310)

(H. 724—Richardson)

### AN ACT

To authorize the governing body of Lawrence County, Alabama, to pay the sum of \$220.00 out of the general fund of said county to reimburse Leland E. Hill for medical expenses in connection with injuries received by his minor child, Coy Lee Hill, while visiting in the county jail of Lawrence County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The governing body of Lawrence County, Alabama, is hereby authorized to pay to Leland E. Hill the sum of \$220.00 out of the general fund of Lawrence County, Alabama, to reimburse him for medical expenses expended by him in connection with an injury received by his minor child, Coy Lee Hill, while visiting in the county jail of Lawrence County, Alabama.

Section 2. This act shall be effective immediately upon its approval by the governor.

Approved August 12, 1947.

No. 311)

(H. 725—Richardson

### AN ACT

To alter, rearrange, extend, enlarge, and define the corporate limits of the Town of Moulton, Lawrence County, Alabama, and to provide when this Act shall become effective.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the boundaries of the Town of Moulton, Lawrence County, Alabama be and the same are hereby altered, rearranged, extended, enlarged and defined so as to include within the corporate limits of said Town of Moulton, Alabama all that territory or area of land embraced within the following lines; Beginning at the NW corner of section 32; Township 6 South; Range 7 west, and run east along the north section line of section 32 and section 33; Township 6 south; Range 7 west, a distance of one and one fourths miles to the NE corner of the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of section 33; Township 6 south; Range 7 west; thence run south along the east line of the W $\frac{1}{2}$  of W $\frac{1}{2}$  of section 33; Township 6 south; Range 7 west and the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of section 4; Township 7 south; Range 7 west, a distance of one and one fourth miles to the SE corner of the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of section 4; Township 7 south; Range 7 west; thence run west along the south line of the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of section 4; Township 7 south; Range 7 west, and the N $\frac{1}{2}$  of N $\frac{1}{2}$  of section 5; Township 7 south; Range 7 west, a distance of one and one fourth miles to the SW corner of the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of section 5; Township 7 south; Range 7 west; thence run north along the west line of the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of section 5; Township 7 south; Range 7 west, and the west line of section 32; Township 6 south; Range 7 west, a distance of one and one fourth miles to the NW corner of section 32; Township 6 south; Range 7 west, the point of beginning, situated, lying and being in the County of Lawrence, State of Alabama.

Section 2. That the boundaries or area of land set out in Section One of this Act be, and the same are hereby established as the corporate limits of the Town of Moulton, Alabama.

Section 3. That all laws or parts of laws in conflict with this Act are hereby expressly repealed, and this Act shall be in full force and effect from the date of its approval by the Governor or otherwise become a law.

Approved August 12, 1947.

No. 312)

(H. 730—Busby and Pinkston

# AN ACT

To fix the compensation or salary to be paid the tax assessor of Montgomery County, Alabama, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officer and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officer; and to require said officer to pay into the county treasury of said county all costs, charges of court, fees and commissions authorized by law to be collected by said officer as other monies belonging to said county are paid, except any salary, fees or commissions paid said officer for assessing or collecting taxes for any municipality.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the tax assessor of Montgomery County, Alabama, shall be paid an annual salary, which shall be paid to and received by him in lieu of all other compensations, fees or emoluments, as follows: The tax assessor shall receive an annual salary of four thousand dollars, net, except as hereinafter provided, and an allowance of thirteen thousand eight hundred dollars per annum, for office help as follows: one clerk at three thousand three hundred dollars per annum, and five clerks at twenty-one hundred dollars per annum, and one thousand dollars per annum for other expenses and ex-officio services of the said tax assessor. The said one thousand dollars to be paid to the tax assessor in monthly installments.

Section 2. The Board of Revenue or other governing body of like jurisdiction of Montgomery County, Alabama, is also authorized and empowered to furnish the Tax Assessor of said county extra clerical assistance not to exceed nine hundred dollars per annum whenever in their discretion such assistance is necessary. The personnel of said assistants to be selected by the said Tax Assessor.

Section 3. That the Tax Assessor shall pay into the county treasury of said county, all costs, charges of court, fees and commissions authorized by law, or which may hereafter be authorized by law to be collected by him as monies belonging to said county are paid. Provided that any salary, fees or commissions paid to said officer for assessing or collecting taxes of any municipality shall not be paid into the treasury of said county, but shall be held by said officer as compensation for such services in addition to his salary as herein provided. The Board of Revenue or other governing body of like jurisdiction of Montgomery County, Alabama, shall have the

power and authority to have audited the accounts of said officer for the purpose of requiring a strict compliance with the provisions of this Act.

Section 4. That all compensation and salary of the Tax Assessor and all allowances provided for expenses, clerical help and other assistance shall be paid out of the general fund of the said Montgomery County in monthly installments.

Section 5. That the premium on the Tax Assessor's bond and the bonds of his clerks and deputies shall be paid out of the general fund of Montgomery County.

Section 6. That all laws or parts of laws, general, local or special, in conflict with the provisions of this act be, and the same are hereby expressly repealed.

Section 7. That this act shall go into effect immediately upon its approval by the Governor.

Approved August 11, 1947.

No. 313)

### AN ACT

(H. 731—Black

To amend an act amending Sections 4 and 5 of an act entitled "An Act To Provide For the Election of a County Treasurer of Walker County, Alabama, by the Qualified Electors of Said County and to Prescribe His Duties and Compensation."

*Be it Enacted by the Legislature of Alabama:*

Section 1. That an act amending an act entitled "An Act to provide for the election of a County Treasurer of Walker County, Alabama, by the qualified electors of said county and to prescribe his duties and compensation, be amended by amending Section 4 of the original act to read as follows: Section 4: The County Treasurer of Walker County shall be paid an annual salary of \$3,000.00; said payments to be made out of the General Fund of said county in twelve equal monthly installments.

Section 2. Be it further enacted that said amending act be amended so that Section 2 of said amending act shall read as follows: Be it further enacted that Section 5 of said act be amended to read as follows: It shall be the duty of the County Treasurer to deposit all public funds in some bank in Walker County, Alabama, which is accepted and recognized by the Board of Revenue of said County or other like governing body of said County, as a legal depository. The County Treasurer shall arrange with said bank for the best obtainable interest on said deposits and the interest paid upon said deposits shall belong to Walker County and the Treasurer shall account for and be responsible for same. The County Treasurer shall assist the Board of Revenue or other like governing body of said County, in preparing its annual budget. The County Treasurer shall make between the 1st and the 10th of each month a duplicate monthly report showing all funds received

by him the previous month and from what sources received, and showing all disbursements made by him and for what general purpose, and shall file one copy of the same with the Board of Revenue or like governing body and keep one copy of the same on file in his office, which reports shall be public documents or records. The County Treasurer shall make a duplicate annual report showing in detail all monies received by him and from what sources and showing all disbursements by him and for what same was paid and in said annual report shall list and show all indebtedness of the County as shown by his records, whether bonds, warrants, or other indebtedness and shall designate for what the bond issues were made and for what the warrant issues were made and shall show the amount of interest each of said indebtedness bear, one copy to be filed with the Board of Revenue or like governing body and one copy to be kept on file by him, and each shall be public documents or records. It shall be the further duty of the County Treasurer of Walker County to audit the fee and commission reports each month of the Probate Judge, Sheriff, Circuit Clerk, Tax Collector and Tax Assessor, and to keep a record of all the fees and commissions paid in to the County Treasurer, to the credit of the respective office making such payments into the County Treasury; to approve for payment all salary warrants authorized by law to be paid to the above named officers and their office personnel and to keep a record of such payments and charge same against the cost of running or operating each of said respective offices named above and that the increased compensation here allowed said Treasurer is in compensation for his added duties since said offices went on a salary. That for approving the salary warrants for said County officers and their help, semi-monthly, and for keeping record of same, and for making reports, and for assistance in the various added duties the said Treasurer shall be allowed one clerk to be paid not more than \$400.00 annually out of the General Fund of Walker County, Alabama, and which said clerk shall be only a part time help and shall be employed only upon the authority or approval, first obtained in writing from the Chairman of the Board of Revenue of said County.

Section 3. All laws or parts of laws in conflict herewith are repealed and this amendatory act shall be effective on approval by the Governor, or its otherwise becoming law.

Approved August 14, 1947.

No. 315)

## AN ACT

(S. 293—Hardwick

To create and establish in Houston County, in lieu of the county court, a court of record with county-wide limited jurisdiction of criminal cases and civil actions at law and in equity, providing it with officers, regulating its procedure, and fixing the costs and charges collectible therein.

*Be it Enacted by the Legislature of Alabama:*

Section 1. Inferior court created. There is hereby established

in Houston County a court with county-wide limited jurisdiction of criminal cases and civil actions at law and in equity, which court shall make final records in all cases except cases cognizable before justices of the peace. The court shall be known as "The Inferior Court of Houston County, Alabama". It shall be in lieu of the county court, which is hereby abolished.

Section 2. Jurisdiction. (a) Except as provided in Subsection (b), the court shall have power to exercise jurisdiction in all actions, causes, matters, proceedings, and cases (including bastardy proceedings, actions for unlawful detainer and for the recovery of possession of land), cognizable before the circuit court, or a county court, or the juvenile court, or justices of the peace, or courts created in lieu thereof, and all courts of like jurisdictions. It shall have authority to exercise general superintendence of justice courts, and to punish contempts by fine not exceeding fifty dollars (\$50) and imprisonment not exceeding five days. It may adopt and enforce rules and regulations relative to pleadings, procedure, and practice, provided such rules and regulations are not contrary to the Constitution and statutes of the State and law-made rules governing the practice and procedure of courts of record. (b) The court shall not have power to try persons charged with felonies. It shall not have jurisdiction of any civil action when the matter or sum in controversy exceeds one thousand dollars (\$1,000), nor take cognizance of any matter or proceeding in equity, except suits for divorce or separate maintenance and cases involving domestic relations or the custody of children.

Section 3. Judge. (a) A judge of the court herein established shall be elected by the qualified electors of the county at the general election of 1948, and every six years thereafter. His term shall be for six years from the first Monday after the second Tuesday in January next succeeding his election, and until his successor is elected and qualified. (b) Immediately after the passage of this Act, the Governor shall commission J. Theodore Jackson as judge of the Inferior Court of Houston County, Alabama, and J. Theodore Jackson shall hold office until his successor is elected or appointed as provided herein. (c) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the Constitution. He may be removed from office for any cause enumerated in Section 173 of the Constitution and in the manner provided by law. No person shall be eligible for the office of judge unless he is, at the time of his appointment or election, a qualified elector of Houston County, learned in the law, and has been licensed to practice law in this State for five years. The judge shall not practice law in any of the courts of this State or of the United States, and he shall be subject to the same penalties and obligations as circuit judges. Any vacancy occurring in the office of judge shall be

filled by appointment as provided in Section 158 of the Constitution. (d) The judge shall receive an annual salary of five thousand dollars (\$5,000), payable out of the general fund of the county in equal monthly installments as the salaries of other county officers are paid. In addition to his salary, the judge shall receive an annual allowance of six hundred dollars (\$600) for secretarial assistance, which allowance shall be paid in equal monthly installments from the general funds of the county at the times his salary is paid. (e) The judge shall have authority to: 1) grant writs of certiorari, supersedeas, quo warranto, mandamus, and all other remedial and original writs which are granted by the circuit judges; 2) grant writs of injunction and ne exeat; 3) administer oaths and take acknowledgements; 4) issue search warrants; 5) exercise such other powers, jurisdiction, or authority as may now or hereafter be conferred by law upon circuit judges, judges of juvenile and county courts, and justices of the peace. Provided, however, the judge shall not have or exercise the powers, jurisdiction, or authority of equity courts except in suits for divorce or separate maintenance and cases involving domestic relations or the custody of children. (f) The judge shall keep an office in the county courthouse, or such other place as may be provided by the governing body of the county. His office shall be suitably equipped, furnished, and provided at the expense of the county with such office supplies and stationery, stamps, furniture, fixtures, and other materials as may be necessary for the transaction of the business of the court. (g) In the event the judge is disqualified or unable to act, a special judge shall be appointed as provided in Section 160 of the Constitution and Section 124 of Title 13 of the 1940 Code.

Section 4. Sessions. (a) Sessions of the court shall be held at the county courthouse, and the court shall be open at all times for the transaction of business. Regular sessions shall be held on the first Monday in each month for the trial of criminal cases, and on the third Monday in each month for the trial of civil actions at law. Special sessions may be held at such times as the judge shall designate in orders spread upon the minutes. Sessions may continue so long as may be necessary for the court to complete its business. (b) The sheriff shall, without additional compensation, attend the sessions of the court in person or by deputy. He shall execute all writs and processes of the court, and perform such other duties as he may be required to perform in the circuit court.

Section 5. Practice and procedure. (a) The court shall have four divisions, namely, law, equity, criminal, and juvenile. Except as otherwise provided in this Act, the practice and procedure of the court as to parties, trial, competency of witnesses, admissibility of evidence, regulation of suits, and the time within which suits may

be brought shall be governed by the statutes and rules of practice and procedure governing the circuit courts. (b) In civil actions at law when the summons, writ of attachment, summons and complaint in attachment, or other process has been executed on the defendant, or service perfected on him as required by law, the defendant shall appear and plead, answer or demur thereto within twenty days. In suits in equity the defendant shall have thirty days after the perfection of service on him in which to plead, answer or demur.

Section 6. Juries. The court shall not draw, organize, or empanel grand or petit juries. The judge shall decide all issues of fact without the intervention of a jury.

Section 7. Costs. (a) For their attendance upon the sessions of the court, witnesses shall be entitled to the fees and allowances prescribed by law for witnesses in the circuit courts, which fees and allowances shall be taxed, collected, and paid in the same manner and according to the same regulations as apply in the circuit courts. (b) In addition to the fees for witnesses, the court shall have authority to tax costs for the use of the county as follows: 1) in each civil action at law, if the sum in controversy does not exceed one hundred dollars (\$100), the same as in justice courts; 2) in every other civil action at law, the same as in the circuit court; 3) in each equity case, the same as in the circuit court; 4) in each criminal case involving an offense of which justices of the peace have final jurisdiction, the same as in justice courts; 5) in every other criminal case, the same as in county courts. (c) A trial tax of one dollar (\$1.00) shall be collected for the use of the county in each civil action at law, if the sum in controversy does not exceed one hundred dollars (\$100). In every other civil action at law, in every suit in equity, and in every criminal case, a trial tax of three dollars (\$3.00) shall be collected for the use of the county. (d) No costs shall be taxed in juvenile cases.

Section 8. Criminal prosecutions. (a) No prosecution shall be commenced in such court except upon sworn complaint made to either the judge or the clerk of the court, who shall issue a warrant of arrest if he is reasonably satisfied that the offense has been committed and that there is reasonable cause to believe that the accused is guilty. When the accused is arrested, the case shall be docketed for trial, and the trial shall be held and conducted as trials after indictments. The clerk shall keep a record of all complaints made and all warrants issued. If the original complaint or warrant is lost, mislaid, or destroyed, a certified copy of the record shall be sufficient for the arraignment and trial of the accused. (b) The county deputy solicitor shall, without additional compensation, prosecute for the State all criminal cases commenced in such court. In the event the deputy



solicitor is absent or disqualified, the judge shall appoint a special prosecutor, who shall be paid twenty-five dollars (\$25.00) for each day he is called upon to serve.

Section 9. Appeals. Any party aggrieved by a judgment, order, or ruling of the court may appeal the decision as herein provided. 1. If the case is a civil case in the law division of the court, the appeal lies to the circuit court and shall be governed by Article 6 of Chapter 8, Title 13 of the 1940 Code, or to the Court of Appeals and shall be governed by Article 1 of Chapter 3, Title 13 of the 1940 Code. 2. If the case is in equity, the appeal lies directly to the Supreme Court of Alabama and shall be governed by the provisions of Chapter 16, Title 7 of the 1940 Code. 3. If the case arises under the court's jurisdiction with respect to juveniles, the appeal lies to the circuit court and shall be governed by Sections 371 and 372 of Title 13 of the 1940 Code. 4. In every criminal case, the appeal lies to the circuit court and shall be governed by Section 349 of Title 13 of the 1940 Code, or to the Court of Appeals and shall be governed by Section 90 of Title 13 of the 1940 Code.

Section 10. Judgments. The party in whose favor a judgment is rendered shall have all the rights, remedies, and privileges with respect to the registration and enforcement thereof as are provided in Chapter 11 of Title 7 of the 1940 Code.

Section 11. Clerk and Register. (a) The circuit clerk of Houston County and the register of the circuit court shall be the clerk and register, respectively, of the court herein established. The Director of the County Department of Public Welfare shall be clerk of the juvenile division and shall serve without additional compensation. In addition to his regular compensation, the clerk and register each shall receive for such services the sum of six hundred dollars (\$600) annually, which sum shall be payable in equal monthly installments from the general fund of the county. Each shall have authority to purchase at county expense such records, stationery, office supplies, and equipment as may be necessary to conduct the court's business. Each shall keep a seal, which shall be the official seal adopted by the court. (b) It shall be the duty of the clerk and register, respectively, to keep all the records, files, and dockets of the court in an orderly manner and to perform all other duties required by the judge. (c) The clerk and register, respectively, shall have power and authority: 1) to administer oaths and take acknowledgements and affidavits; 2) to sign and issue all processes issuing out of the court, including warrants, affidavits, summonses, subpoenas, writs, executions, commitments, and releases; 3) to approve bonds in civil and criminal cases; 4) to enter all judgments, orders, and decrees of the court; 5) to certify all appeals and transcripts; 6) to exercise

all powers and authority which are now or may be hereafter, conferred on clerks and registers of the circuit courts.

Section 12. Transfer of pending cases. All cases and actions pending in the county court on the effective date of this Act shall be transferred to the court herein created and shall proceed as though begun therein. As to judgments rendered by the abolished court, this court shall have the same power to control, and may issue executions and other processes thereon in all respects as though the judgments had been rendered by it.

Section 13. Severability. The provisions of this Act are severable. If any part of it is declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 14. Repealer. All laws in conflict with this Act are repealed to the extent of the conflict.

Section 15. Effective date. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 13, 1947.

No. 316)

(S. 294—Hardwick

#### AN ACT

To abolish the Court of Common Pleas of Dothan, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The Court of Common Pleas of Dothan, Alabama, which was created and established by Act 410, approved September 27, 1923, is hereby abolished.

Section 2. All cases, causes, actions, and judgments pending in the abolished court on the effective date of this Act shall be transferred to The Inferior Court of Houston County, Alabama, and proceed as if begun therein. All judgments rendered in the abolished court shall be the same as if they had been rendered in The Inferior Court of Houston County, Alabama, which court shall have the same power to control and to issue executions and other processes thereon in all respects as though the judgments had been originally rendered by it. Provided, however, that nothing herein contained shall be construed to extend the lien of any judgment rendered by the abolished court.

Section 3. This Act shall become effective upon proclamation of the ratification of an amendment to the Constitution abolishing justices of the peace courts in Precinct 3 of Houston County.

Approved August 15, 1947.

No. 318)

(S. 332—Allen)

## AN ACT

To place the sheriff of Etowah County, Alabama, on a salary basis and to provide the salary to be paid to such officer and the manner of payment thereof; to provide deputies, clerks, guards, and other assistants, for such officer and to provide their salaries and the manner of payment thereof; to provide for the payment into the treasury of Etowah County, Alabama, of all fees, fines, compensations and allowances collected by said officer; and to provide for the necessary equipment and supplies for said sheriff.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the salary or compensation of the sheriff of Etowah County, Alabama, shall be \$5,000.00 per annum and the said \$5,000.00 annual salary shall be paid out of the county treasury of Etowah County, Alabama, in equal monthly installments at the end of each month upon warrants drawn in the same manner as other officers and employees of Etowah County, Alabama.

Section 2. That when this Act goes into effect said sheriff of Etowah County shall continue to collect all charges, fees, compensation, allowances, and reimbursements heretofore or hereafter authorized to be collected by him, or by any of his deputies or assistants acting under and by virtue of their offices, and shall on the last day of each calendar month pay into the county treasury of Etowah County, Alabama, all such monies received, or collected, by him, or any of his deputies or assistants, during such month.

Section 3. The Board of Revenue, or like governing body, of Etowah County, Alabama, is required, authorized and empowered to provide sufficient deputies, clerks, jailers, and other assistants, to the said sheriff to enable him to properly perform the duties of his office, and said Board of Revenue, or like governing body, is authorized and empowered to fix the compensation to be paid to such deputies, clerks and assistants. The said sheriff shall have the right to discharge said deputies, clerks, and other assistants, at will. The salaries, or compensation, of said clerks, deputies and assistants, shall be paid in equal monthly installments out of the general funds of Etowah County upon separate warrants drawn in the same manner as other employees of Etowah County are paid.

Section 4. The Board of Revenue, or other like governing body, of Etowah County shall provide said sheriff with the necessary quarters, automobiles, accessories, gasoline, oil and repairs, books, stationery, office equipment, supplies, postage, and other conveniences and equipment necessary for the proper and efficient conduct of the affairs of said office.

Section 5. That all laws and parts of laws, both general and local as applied to Etowah County, Alabama, in conflict with the provisions of this Act, to the extent of such conflict, be and the same are hereby repealed.

Section 6. This Act shall become effective and operative immediately upon the proclamation of the Governor of the State of Alabama declaring that the qualified electors of the State of Alabama have ratified the constitutional amendment submitted by the 1947 Special Session of the Legislature authorizing the Legislature to place the above mentioned officer on a salary basis during the term for which he was elected.

Approved August 15, 1947.

No. 327)

(H. 640—Snodgrass and O'Neal  
AN ACT

To amend section six and section thirty-seven of an act approved July 10, 1940, entitled "An act to establish a county court of Jackson County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure of said court, to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court and the Probate Court of Jackson County, Alabama, to the Jackson County Court; and to provide for the transfer of certain cases pending in said Jackson County Court to the equity side of the Circuit Court of Jackson County, Alabama."

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Section 6 of an act approved July 10, 1940, entitled "An Act to establish a county court of Jackson County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensations; to provide that said court shall be open at all times for the trial of cases and transactions of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court and the Probate Court of Jackson County, Alabama, to the Jackson County Court; and to provide for the transfer of certain cases pending in said Jackson County Court to the equity side of the Circuit Court of Jackson County, Alabama", be and the same is hereby amended so as to read as follows:

Section 6. That the deputy solicitor appointed or elected for Jackson County Circuit Court shall represent the state in all criminal cases in said court, as ex-officio solicitor of the Jackson County Court, and shall receive a salary of fifteen hundred dollars per annum, payable in equal monthly installments out of the county treasury at the end of each month, his signed receipt being required, and said salary or compensation shall be in lieu of all other salary or compensation now provided by law for said deputy solicitor for said county. For every conviction for a misdemeanor in the Jackson County Court there shall be taxed and collected

as a part of the costs and paid into the county treasury the same solicitor's fees provided for conviction in such cases in the Circuit Court.

Section 2. That section 37 of said act be and the same is hereby amended so as to read as follows: Section 37. That in all cases in said Court a Stenographer's fee of five dollars shall be charged and collected and by the clerk paid to the official Court Reporter appointed for said court; provided, however, that in cases where a money judgment is sought, in civil cases of less than one hundred dollars as determined by the complaint, and in cases where there is a judgment by default, there shall be charged as stenographer's fee only two dollars and fifty cents; provided, further, that in all criminal cases wherein the defendant pleads guilty before any testimony has been taken, a stenographer's fee of one dollar shall be charged and collected.

Section 3. This act shall take effect immediately upon its passage and approval by the Governor.

Approved August 15, 1947.

No. 328)

(H. 702—Mitchell

### AN ACT

To amend Sections 6 and 7 of the Act creating and establishing the Board of Revenue of Cherokee County, Alabama (Local Acts of 1939, p. 138).

*Be it Enacted by the Legislature of Alabama:*

Sections 6 and 7 of the Act creating and establishing the Board of Revenue of Cherokee County, Alabama, (Local Acts of 1939, p. 138) are amended to read:

"Section 6. The compensation of each member of the Board of Revenue of Cherokee County, Alabama, shall be fifty dollars (\$50) per month, to be paid out of any money in the county treasury designated and set apart by the Board of Revenue for that purpose. The compensation herein provided shall be in full payment of all services performed by the members of the board, including their services as a board of review, except as provided in Section 7.

"Section 7. The Board of Revenue shall do and perform all acts and services and exercise all power and authority required of or delegated to courts of county commissioners. A member of the board may serve as road foreman for the district from which he is elected or appointed, if he is elected to do so by a majority of the other members of the board. Any member who serves as road foreman shall devote his entire time to the performance of his duties. Such member's compensation for his services as road foreman shall be not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) per month, the exact amount to be

determined by a majority of the other members of the board, in addition to his salary. The Board of Revenue shall not provide for the payment of the salary of any commissioner serving as road foreman who does not faithfully perform his duties."

Approved August 15, 1947.

No. 329)

(H. 718—Beck

### AN ACT

To amend an Act entitled "An Act to allow the Sheriff of DeKalb County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of DeKalb County in monthly installments," approved March 24, 1936.

*Be it Enacted by the Legislature of Alabama:*

That an Act entitled "An Act to allow the Sheriff of DeKalb County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of DeKalb County in monthly installments," approved March 24, 1936, be and the same is hereby amended to read as follows:

Section 1. That the Sheriff of DeKalb County, Alabama, is hereby allowed an additional deputy sheriff to the deputies now provided by law, which said deputy sheriff shall be employed by the Sheriff of DeKalb County, Alabama, and receive a salary of \$1,800.00 per annum, to be paid in twelve equal monthly installments out of the General Funds of said County; that said deputy sheriff shall be a qualified elector of DeKalb County, Alabama, and shall be eligible to perform any of the duties of a deputy sheriff of the State of Alabama.

Section 2. That on the first day of each month after the passage and approval of this act and the appointment by the sheriff of such deputy, the Sheriff of DeKalb County, Alabama, shall furnish to the Board of Revenue, or other court of like jurisdiction of said county, the name of the deputy so appointed by him under this act, and it shall thereupon be the duty of said Board of Revenue or other Court of like jurisdiction in said county to order a warrant drawn upon the General Funds of the County payable to said deputy sheriff so designated for the full amount of one month's salary.

Section 3. That all laws and parts of law in conflict with this act are hereby expressly repealed, and this act shall be in full force and effect from the date of its approval by the Governor.

Approved August 15, 1947.

No. 330)

(H. 719—White (Covington)

## AN ACT

To amend Act 745, Acts of Alabama 1900-01, p. 1818, entitled An Act "To incorporate the town of Opp in the County of Covington, Alabama", as amended by Act 219, Local Acts of 1919, p. 68, approved August 16, 1919.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Act 745, Acts of 1900-01, p. 1818, entitled An Act "To incorporate the Town of Opp in the County of Covington, Alabama", as amended by Act 219, Local Acts of 1919, p. 68, be amended so that Section 1 shall read as follows: "Section 1: That the City of Opp in the County of Covington be and the same is hereby incorporated, and the corporate limits of said town shall embrace an area of land described as follows: Section 28, East half of Section 29, Northeast quarter of Section 32, North half of Section 33, West half of Northwest quarter of Section 34, and the West half of West half of Section 27, all of said land being in Township 4, Range 18; beginning at the Northeast corner of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 29, Tp. 4, Range 18 east, and running thence south along said section line a distance of 2640 ft.; thence west a distance of 1320 ft.; thence south a distance of 1320 ft.; thence west a distance of 2640 ft.; thence north a distance of 2640 ft.; thence east a distance of 2640 ft.; thence north a distance of 1320 ft.; thence east a distance of 1320 ft., to the point of beginning. All of said land or territory being in the NE $\frac{1}{4}$  of SW $\frac{1}{4}$ ; SE $\frac{1}{4}$  of SW $\frac{1}{4}$ , and the SW $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 29; NW $\frac{1}{4}$  of NW $\frac{1}{4}$  Section 32; NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 31; SE $\frac{1}{4}$  of SE $\frac{1}{4}$  Section 30, all in Tp. 4 North, Range 18 East; also a wedge shaped strip of land lying in the North part of the NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 32, Tp. 4 North, Range 18 East; bounded on the North by the section line dividing said Section 32 and Section 29; bounded on the East by the sectional line dividing the NE $\frac{1}{4}$  and the NW $\frac{1}{4}$  of said section 32; bounded on the South by a line running with the South boundary line of the alley running through Blocks Nos. 1, 2, 3 and part of 4 of the Sunny Slope Subdivision; and bounded on the West by the sectional line dividing the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  and the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  said Section 32. The above described wedge being approximately 1320 feet on the North and South sides, approximately 228 feet on the West side and approximately 180 feet on the East side. Said wedge land lying and being in the NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , section 32, Tp. 4 North, Range 18 East, Covington County, Alabama and containing 6,182 acres more or less. All of the above land is in Covington County, Alabama, and the present and future inhabitants of the City of Opp as by this act incorporated, shall be and they are by this act made and constitute a body corporate and politic under the name and style of the 'City of Opp, Alabama', under and by which

name all the corporate powers and privileges of said town by this act granted, shall be executed, and said corporation shall sue and be sued, and plead and be empleaded, answer and be answered in all manner of suits either in law or in equity; may keep a common seal, and may purchase, receive, hold, sell, encumber and let real and personal property as provided by law."

Section 2: That said Act 745, as amended by Act 219, be amended by amending Sections 2 to 18, inclusive, to read as follows: "That all the general laws of Alabama now or hereafter enacted applying to city governments in Alabama of the same population level as Opp shall be applicable in all respects to the City of Opp and the administration thereof."

Section 3: All laws, local or general, in conflict herewith are hereby repealed, and particularly the provisions of Sections 2 to 18, inclusive, of Act 745, Acts of 1901.

Section 4: This Act shall take effect immediately upon its lawful enactment.

Approved August 15, 1947.

No. 331)

(H. 720—Brown

### AN ACT

To extend, alter, and rearrange the boundary lines and corporate limits of the City of Auburn in Lee County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The boundary lines and corporate limits of the City of Auburn in Lee County, Alabama, are hereby extended, altered, and rearranged so that all the lands described herein shall be within the corporate limits of such municipality: From the northwest corner of Section 24, Township 19 North, Range 25 East, in Lee County, Alabama, run thence easterly along the north boundary line of Section 24, Township 19 North Range 25 East, and continue along the north boundary lines of Sections 19 and 20, Township 19 North, Range 26 East, to the northeast corner of said Section 20, Township 19 North, Range 26 East; run thence southerly along the east boundary lines of Sections 20, 29, and 32, of Township 19 North, Range 26 East, to the southeast corner of said Section 32; run thence westerly along the south boundary lines of Sections 32, and 31 of Township 19 North, Range 26 East, and continue along the south boundary line of Section 36 Township 19 North, Range 25 East, to the southwest corner of said Section 36; run thence northerly along the west boundary lines of Sections 36, 25, and 24, of Township 19 North, Range 25 East, to the northwest corner of said Section 24, the point of beginning. The above comprising all of Sections 24, 25, and 36 of Township 19 North Range 25 East, and all of Sections



19, 20, 29, 30, 31, and 32 of Township 19 North, Range 26 East, and all being in Lee County, Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 15, 1947.

No. 332)

(H. 721—Adams (Dale).

### AN ACT

To provide for clerical assistance to the Clerk of the Circuit Court of Dale County, Alabama, to fix the salary thereof, to make an appropriation for payment of said salary; to set the manner of payment by the Clerk to the said clerical assistant, reporting unexpended balance at the close of the fiscal year, and to set the date this Act shall become effective.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Circuit Clerk of Dale County, Alabama is hereby authorized to employ a Secretarial Assistant at a salary to be set by him, but not to exceed \$400.00 per annum. That the said Clerk shall select such Secretarial Assistant and have the right to discharge at will, as they shall serve at his pleasure.

Section 2. That the Court of County Commissioners will appropriate a sum of \$400.00 per annum from the General Funds of the County and spread upon its minutes that appropriation at a regular meeting prior to the 1st day of October, 1947, and each year thereafter.

Section 3. That the said Clerk shall draw a warrant payable by the County Treasurer in the same manner as other warrants are paid out of the General Fund of the County. That the said Clerk shall deposit the amount appropriated to his Official Bank Account, Civil Division, Circuit Court, and head on his Official Cash Book as "Assistant", and that the amount drawn shall be made payable to the name of the Secretarial Assistant, and the expenditures accounted for in the same manner as other monies are in accordance with the uniform accounting system.

Section 4. That any amount unexpended as of the 30th day of September of each year shall be reported to the Court of County Commissioners, and that amount unexpended shall be deducted from the annual appropriation. That the remainder due the said Clerk shall be handled in the same manner as set forth in the preceding sections.

Section 5. This Act shall become effective on the 1st day of October, 1947.

Approved August 15, 1947.

No. 333)

(H. 722—Nelson)

## AN ACT

To authorize the governing body of Clay County to provide from the county general fund for payment of, and to fix, the salary of an additional deputy sheriff, to be appointed by the sheriff.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The governing body of Clay County is hereby authorized to provide from the county general fund for payment of, and to fix, the salary of an additional deputy sheriff, to be appointed by the sheriff. The salary of such deputy may not exceed two thousand four hundred dollars (\$2,400.00) per annum.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 15, 1947.

No. 334)

(H. 733—Thagard and McGowin)

## AN ACT

To authorize and require the City Council of the City of Greenville, Alabama, or any other governing body which may replace said Council, to provide a pension or retiring allowance plan for the employees of said City, but not for elective officials.

*Be it Enacted by the Legislature of Alabama:*

SECTION ONE. The City Council of the City of Greenville, Alabama, or any succeeding city governing body, is hereby authorized and required to provide a pension or retiring allowance plan for the employees of said City, provided they be not included under some other pension plan, and also to allow city employees who served in the military or naval forces of this country, between service periods for said city, to count such service as having been rendered the City of Greenville. This act shall not be construed or interpreted to provide a pension for elective officials, and the pensions to be paid hereunder shall be paid in the manner and only to the persons hereinafter provided.

SECTION TWO. Any such employee of the City of Greenville, Alabama, who shall have attained the age of sixty-five years and who shall have been in the service of said city for as long as twenty-five consecutive years, or who shall have been in the service thereof for as long as thirty years the last 15 years of which have been consecutive and the other 15 years for which credit is sought was in terms of not less than 5 consecutive years, upon making written application therefor to the city council or succeeding governing body of the City of Greenville, Alabama, shall be retired from said employment service for this City, and

upon such retirement such retired employee shall be paid, and the City Council of Greenville or any succeeding governing body, shall order and direct the payment of such employee monthly or otherwise during the remainder of his natural life, a sum equal to one half of the average monthly compensation paid to such employee from the funds of the City of Greenville during the last twelve months of his or her service period. Provided no monthly pension or retiring allowance plan provided in this act shall amount to more than \$150.00 dollars per month to any such retired employee.

SECTION THREE. Upon recommendation of any employing official, or a majority of the governing body of the City of Greenville, the city council or succeeding governing body, whether elective or appointive may, after giving 30 days notice in writing to any employee who is eligible for retirement, and if after reasonable investigation of said city council or like governing body it is convinced that such city employee has become unable physically, mentally or otherwise to perform efficiently the duties assigned to him or her, the city council or like governing body may order such employee retired as is provided in Section 2 of this Act.

SECTION FOUR. Payments under this act to retire city employees shall be made in the same manner and at the same times and from the same funds as payments of salaries and compensations are made to regular active employees of the Department in which such employee was employed by this City.

SECTION FIVE. Nothing included in this act shall be considered or construed to take from the elective officers of this City including the City Council or like Governing Body and/or its duly authorized agents, the power to dismiss from the service of this City any of his or their active employees who for any cause fails or refuses to render faithful and/or efficient service.

SECTION SIX. The city council or like governing body of the City of Greenville shall hear and decide all applications for pensions under this act, and the decision on such applications shall be final and conclusive and not subject to review or reversal except by such authority itself.

SECTION SEVEN. The retirement of any employee under the provision of this act shall be by resolution of the City Council or like governing body of the City of Greenville which shall be spread upon its minutes and a certified copy of such record shall be furnished to the employee so retired and such retirement shall remain in full force and effect throughout the natural life of him or her so retired.

SECTION EIGHT. In case of any dispute arising out of or over the provisions of this act, or the interpretation of any of the provisions thereof, the decision of the City Council or other like governing body shall be final and conclusive.

SECTION NINE. No part of any pension paid or subject to payment under the provisions of this act shall, before or after its payment to a beneficiary hereunder, be seized or held or be in any wise subject to garnishment or levy of execution or attachment or other process issued out of or by any Court of this State or any other State so far as same may be sought to respond to the payment or satisfaction in whole or in part, of any debt, damage, demand, claim, judgment or decree against any beneficiary under said pension system, but shall be exempt therefrom; nor shall the whole or any part of such pension, or the right thereto be assigned, and any assignment thereof shall be void and unenforceable.

SECTION TEN. Any and all laws or parts of laws in conflict herewith are expressly repealed. If any part or parts of this act shall be declared unconstitutional it shall not affect the remaining part or parts of this act.

SECTION ELEVEN. This act shall go into effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 15, 1947.

No. 335)

(H. 734—Thagard & McGowin  
AN ACT

To alter or rearrange the boundaries of the City of Greenville, Butler County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto.

*Be it Enacted by the Legislature of Alabama:*

SECTION ONE. That the boundaries of the City of Greenville, Butler County, Alabama, be and the same are hereby altered and rearranged so as to include within the corporate limits of said City all territory now within such corporate limits, and certain other territory in Butler County, Alabama, contiguous thereto, all of which territory is described as follows, viz:  $W\frac{1}{2}$  and the  $E\frac{1}{2}$  of  $E\frac{1}{2}$  of Section Thirteen; all of Section Fourteen; the  $E\frac{1}{2}$  of  $SE\frac{1}{4}$  of Section Fifteen;  $E\frac{1}{2}$  of  $E\frac{1}{2}$  of Section Twenty-Two; all of Section Twenty-Three;  $W\frac{1}{2}$  and the  $W\frac{1}{2}$  of  $E\frac{1}{2}$  of Section Twenty-Four, all in Township Ten, Range Fourteen.

SECTION TWO. That all laws and parts of law, general, local or special, in conflict with the provisions of this act be and the same are hereby repealed.

SECTION THREE. That this act shall be effective on and after the 1st day of October, 1947.

Approved August 15, 1947.

No. 336)

(H. 739—Beck

## AN ACT

Relating to the vacation of a portion of First (Main) Street in the City of Fort Payne, DeKalb County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the entire right-of-way of First (Main) Street, eighty feet in width, in the City of Fort Payne, from a point two hundred feet west of the west property line of Alabama Avenue, westward two hundred ten feet to the east property line of Forest Avenue, be and the same is hereby vacated; the above described portion of said First (Main) Street to be closed to use as a public thoroughfare for the purpose of including the street property so vacated as a part of the grounds of the Public Schools, located in Blocks 22 and 23 of said City of Fort Payne.

Section 2. That this Act shall become effective immediately upon its approval by the Governor.

Approved August 15, 1947.

No. 337)

(H. 740—Beck

## AN ACT

Relating to changing and extending the Corporate Limit of Fort Payne, DeKalb County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Corporate Limit of the City of Fort Payne, DeKalb County, Alabama, be changed and extended to include the following territory: Commencing at the southwest corner of Block 14 of the Cave Addition to the City of Fort Payne, which is a point on the present corporate limit of said City; thence run southward to the northeast corner of Lot 31 in Block 4 of the Thomas and Howard Addition to the City of Fort Payne; thence run southward with the west property line of Tyler (Oak) Avenue to the southeast corner of Block 9 of said Thomas and Howard Addition; thence run westward with the north property line of Sixteenth (Howard) Street and said north property line extended to the east property line of the right-of-way of the Alabama Great Southern Railway Company; thence run southward with the east property line of said right-of-way to its intersection with the east boundary line of the northeast one-fourth of the southwest one-fourth of Section 24, Township 7, Range 8 East of the Huntsville Meridian; thence run northwestward to the northwest corner of said one-sixteenth section; thence run northeastward to the northwest corner of the southeast one-fourth of the northwest one-fourth of Section 18, Township 7, Range 9 East of the Huntsville Meridian, a point on the present corporate limit of said City of Fort

Payne; thence run with the present corporate limit of said city as follows: southeast to the southeast corner of said one-sixteenth section; thence eastward with the south boundary of the southwest one-fourth of the northeast one-fourth of said Section 18 to its intersection with the west boundary of the Douglas Addition to said city; thence northward with the west boundary of said Douglas Addition to the southwest corner of Block 1 thereof; thence eastward with the north property line of Eleventh (Powell) Street to the southwest corner of Block 14 of the Cave Addition to said city, the point of beginning.

Section 2. That this Act shall become effective immediately upon its approval by the Governor.

Approved August 15, 1947.

No. 338)

(H. 747—Mathison and Knight.  
AN ACT

To amend Section 1 of Act No. 243, approved June 28, 1945, entitled: "An Act for the further protection of the fish in the streams and waters of Henry County, Alabama, by prohibiting the taking, catching or killing or attempting to take, catch or kill fish in said streams and waters by the use of any poisonous substance, put in the water or by the use of fish berries, lime, giant powder, gun powder, dynamite or other explosive substance; and to provide penalties for the violation of this Act; and to repeal all laws and parts of laws in conflict with this Act."

*Be it Enacted by the Legislature of Alabama:*

Section 1. Section 1 of Act No. 243, approved June 28, 1945, is amended to read: "Any person who, takes, catches, kills or attempts to take, catch or kill fish in any stream, lake, pond or other waters of Henry County, Alabama, by poisoning such streams, lakes, ponds or other waters or by the use of fish berries, walnuts, lime, giant powder, gun powder, dynamite or other explosive substance; or any person who knowingly, for the purpose of taking, catching or killing fish in such streams, lakes, ponds or other waters, sells or transports fish berries, walnuts, lime, giant powder, gun powder or other explosive or poisonous substance or otherwise aids in the taking, catching or killing of fish in such streams, lakes, ponds or other waters by the use of such explosive or poisonous substance, must on conviction, be fined not less than one hundred dollars nor more than three hundred dollars, one half of which fine shall be paid into the State Treasury, to the credit of the Game, Fish and Seafoods Fund, and the other one half of said fine shall be paid to the sheriff of said County, his deputy or deputies, game warden or other lawful officer of the county or to such other person or persons responsible for bringing such offender to trial for the violation of this Act and where conviction results."

Section 2. All laws and parts of laws in conflict with the provisions of this Act, be and the same are hereby repealed .

Section 3. If any Section, clause, provision or part of this Act shall be held unconstitutional, or void, it shall in nowise affect any other section, clause, provision or part of this Act.

Approved August 15, 1947.

No. 339)

(H. 748—Mathison)

### AN ACT

To extend the corporate limits and fix the boundary lines of the City of Abbeville, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The corporate limits of the City of Abbeville are extended so as to include all territory within boundary lines running east and west and north and south located and fixed as follows: beginnnig at a point one (1) mile east of the center of the public square, thence south one and one-quarter ( $1\frac{1}{4}$ ) miles, thence west two (2) miles, thence north two (2) miles, thence east two (2) miles, then southward direct to the point of beginning.

Section 2. The boundaries set out in Section 1 are hereby established as the corporate limits of the City of Abbeville, Alabama.

Approved August 15, 1947.

No. 341)

(H. 768—Dumas, Meeks, Gibson,  
Kaul, Sadler, Beatty &  
Adams (Jefferson).)

### AN ACT

To Alter and Extend the Boundaries of the City of Birmingham.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the boundaries of the City of Birmingham, in the County of Jefferson, State of Alabama, are hereby altered and extended so that said boundaries shall include within the corporate limits of said City all of the following described additional property not presently located in said City, to-wit: The Northeast quarter of the Northwest quarter of Section 18, Township 18 South, Range 3 West, Jefferson County, Alabama.

Section 2. That this act shall become and be effective upon and after date of passage.

Approved August 15, 1947.

No. 342)

H. 770—Dumas, Adams (Jefferson),  
Meeks, Beatty.

## AN ACT

To Fix the Salary of the Probate Judge of Jefferson County, Alabama,  
and to provide for paying same.

*Be it Enacted by the Legislature of Alabama:*

Section I. That the Judge of Probate of Jefferson County, Alabama, shall receive a salary of Seven Thousand Dollars per annum, which said salary shall be paid out of the County Treasury in monthly installments.

Section II. Be it Further Enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Section III. Be it Further Enacted, That this Act shall go into effect upon its approval by the Governor.

Approved August 15, 1947.

No. 343)

(H. 773—Denton

## AN ACT

For the relief of Wm. F. Maynor, former Superintendent of Education of Blount County, Alabama.

Whereas, during the term of office of Wm. F. Maynor as Superintendent of Education of Blount County, Alabama, the Blount County Board of Education, on February 24, 1939 adopted a resolution allowing expenses for gas and oil to Wm. F. Maynor, Superintendent of Education of said county, in carrying out the public school program of said county by visiting the public schools of the county and also for transportation expenses in carrying out the building program of said Board of Education, and,

Whereas Six Hundred Seventy-Three (\$673.37) & 37/100 Dollars was justly paid out of the public school funds of said county for such purposes, and because of a technical error in the way the same was handled, the State Examiner of accounts charged the said Six Hundred Seventy-Three (\$673.37) & 37/100 Dollars against the said Wm. F. Maynor and he paid that amount into the public school funds of said county.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Board of Education of Blount County, Alabama, be, and it hereby is, authorized and directed to refund to the said Wm. F. Maynor, who was at the time above mentioned, Superintendent of Education of Blount County, Alabama, the sum of Six Hundred Seventy-Three (\$673.37) & 37/100 Dollars which the said Wm. F. Maynor was compelled to pay to the said Board of Education of Blount County, Alabama.

Section 2. That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

Approved August 15, 1947.



No. 348)

(S. 317—Henry H. Mize

## AN ACT

To further provide for the salaries and compensation of the clerks, deputies and other assistants to the Circuit Clerk, Tax Assessor and Tax Collector of Tuscaloosa County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. In addition to all other sums now provided by law, the Board of Revenue or other governing body of Tuscaloosa County, Alabama, is hereby authorized and empowered to expend from the general fund of said county for the purpose of increasing the salaries or compensation of the clerks, deputies, and other assistants, and for employing additional help when necessary in the Office of the Circuit Clerk, Tax Assessor and Tax Collector of Tuscaloosa County, the following sums and amounts: Circuit Clerk. A sum not to exceed \$1,600.00 between April 1, 1947 and April 1, 1948, and a sum not to exceed \$1,600.00 between April 1, 1948, and April 1, 1949, and a sum not to exceed \$1,600.00 between April 1, 1949 and April 1, 1950. Tax Assessor. A sum not to exceed \$1,300.00 between April 1, 1947 and April 1, 1948 and a sum not to exceed \$1,300.00 between April 1, 1948 and April 1, 1949, and a sum not to exceed \$1,300.00 between April 1, 1949 and April 1, 1950. Tax Collector. A sum not to exceed \$680.00 between April 1, 1947 and April 1, 1948, and a sum not to exceed \$680.00 between April 1, 1948 and April 1, 1949 and a sum not to exceed \$680.00 between April 1, 1949 and April 1, 1950.

Section 2. This act shall become effective as of April 1, 1947.

Approved August 15, 1947.

No. 349)

(S. 340—Mize

## AN ACT

To amend Section 20 of Act No. 729, approved September 25, 1915, entitled: "An Act To Establish a board of revenue for Tuscaloosa County, Alabama, to prescribe its powers and duties, to fix the compensation of its members, to provide for the election of its members, and fix their terms of office, to provide for a clerk and engineer, and to abolish the court of county commissioners, the board of public works and the jury commission of said county."

*Be it Enacted by the Legislature of Alabama:*

Section 20 of Act No. 729, approved September 25, 1915, entitled, "An Act To establish a board of revenue for Tuscaloosa County, Alabama, to prescribe its powers and duties, to fix the compensation of its members, to provide for the election of its members, and fix their terms of office, to provide for a clerk and engineer, and to abolish the court of county commissioners, the board of public works and the jury commission of said county," is amended to read:

"Section 20. There shall be elected at the next general election in the County of Tuscaloosa, and every four years thereafter, three members of the Board of Revenue. The places on the Board of Revenue shall be designated by numbers: namely, Place No. 1, Place No. 2, and Place No. 3. Every candidate for office shall designate in the announcement of his candidacy the number of the place for which he is a candidate, and the ballots shall be numbered accordingly. Persons elected to the board shall qualify within thirty days after the returns of the election shall have been canvassed and they shall enter upon the discharge of their duties on the first Monday after the second Tuesday in January next succeeding their election. Members of the Board of Revenue shall hold office for a term of four years, and until their successors are elected and qualified."

Approved August 15, 1947.

No. 354)

### AN ACT

(H. 388—Coburn

To create the Municipal Utilities Board of Muscle Shoals; to provide for its membership; to appoint the members to compose the original Board; to provide the qualifications of members of the Board; to provide the oath of office of members of the Board; to provide the term of office and method of election of members of the Board; to provide the method of impeaching and removing from office members of the Board; to provide the method of filling vacancies in the Board; to provide the compensation for the members of the Board; to provide for the organization of the Board; to provide for the meetings of the Board; to provide for copies of the records of the Board to be certified by the Secretary to be competent evidence in all courts; to provide the authority and duties of the said Board; to provide for the management and control of the Municipal Electric Distribution System of the Town of Muscle Shoals by said Board; to provide for the employment by the Board of managers, clerks, stenographers, attorneys, linemen, repairmen, and any other employees found necessary to be employed by said Board; to provide for official bonds of officers and employees of the Board handling money; to provide for the collection, deposit and distribution of funds received from the operation of said Electric Distribution System; to provide for bond of depository of funds of the Board; to provide method of withdrawal of funds of the Board and signing of warrants for the payment of claims; to provide that in any expenditure for any new construction, additions, or replacements to the electric plant, where the amount to be expended is more than \$1,500, the expenditure must be approved by the Board of Commissioners of the Town of Muscle Shoals; to provide for an annual audit and a semi-annual publication of the financial condition of the system; to provide that said Board shall have the control, management, and operation of any water, gas or other utilities if same should in the future be acquired by the Town of Muscle Shoals; to provide for the management and operation of such other utilities, and to provide for reports of the Board to the Board of Commissioners.

*Be it Enacted by the Legislature of Alabama:*

Section 1. CREATION OF MUNICIPAL UTILITIES BOARD OF MUSCLE SHOALS, ALABAMA. There is hereby

created and established the Municipal Utilities Board of Muscle Shoals, Colbert County, Alabama, to be composed of three members.

Section 2. That the Board of Commissioners of the Town of Muscle Shoals, Alabama, shall immediately after this Act becomes effective proceed to elect one member of said Municipal Electric Utilities Board to serve until the second Monday in July, 1950 and until his successor is elected and qualified, one member to serve until the second Monday in July, 1952 and until his successor is elected and qualified; and one member to serve until the second Monday in July, 1954 and until his successor is elected and qualified.

Section 3. QUALIFICATION OF MEMBERS OF THE BOARD. No person shall be eligible to membership on said board who is not a qualified elector of the Town of Muscle Shoals, Alabama, or who is an officer of the Town, or an employee thereof, or is a member of the Board of Commissioners, or whose term on the Board of Commissioners has expired within six months prior to his election on the board.

Section 4. OATH OF OFFICE OF MEMBERS OF THE BOARD. Before entering upon the duties of his office, each member of the Board shall take and subscribe the following oath: "I do solemnly swear that I will support the constitution of the State of Alabama, and the constitution of the United States, and that I will faithfully, zealously, and impartially discharge the duties of the office upon which I am about to enter, without fear or favor, for the public welfare; so help me God." The successors to the members of the board named in this Act shall take and subscribe to the same oath.

Section 5. METHOD OF ELECTION AND TERM OF OFFICE OF THE MEMBERS OF THE BOARD. The successors to the members of the Board named in this Act shall be elected by the Board of Commissioners of the Town of Muscle Shoals, Alabama. At the last meeting of the Board of Commissioners of the Town of Muscle Shoals, in June each year that the term of a member of the Board expires in July following, the said Board of Commissioners shall elect the successor of the member of the Board whose term expires on the second Monday in July following and the person so elected shall become a member of the Board on the second Monday in July following and shall hold the position for a period of seven years and until his successor is elected and qualified. A member of the Board may succeed himself if the Board of Commissioners desire to re-elect him. Whenever a vacancy occurs in the Board by resignation, death, or some other cause, the Board of Commissioners shall immediately fill said vacancy by electing another person to the Board,

who shall serve for the remainder of the unexpired term of the member he succeeds.

Section 6. ORGANIZATION OF THE BOARD. At the first meeting of the Board after the passage of this Act, the members shall elect one of their number as Chairman and one of their number as Secretary, thereafter the Board shall annually elect from among their number a Chairman and Secretary. Vacancies in the offices of Chairman and Secretary shall be filled by the Board, if and when the same may occur.

Section 7. COMPENSATION OF THE MEMBERS OF THE BOARD. Each member of the Board shall be paid a monthly salary to be fixed by the Board of Commissioners of the City of Muscle Shoals, Alabama. The compensation to the members of the Board shall be paid in monthly installments from the money received from the operation of the Electric Distribution System.

Section 8. MEETINGS OF THE BOARD. The Board shall hold a regular monthly meeting on the second Tuesday of each month and other meetings at such times and places as its members may elect, and the Chairman of the Board or any two members may call the meetings at any time he or they consider that the business demands that a meeting be held. The Chairman and one member or any two members of the Board shall constitute a quorum. A true record of all the proceedings of all meetings of the Board shall be kept by the Secretary. At the call of any member the vote on any pending question shall be taken by ayes and nays, and the same shall be entered on the record. The record of the proceedings of said Board shall be open to the Board of Commissioners and to the public at all times, and a copy from said record, certified by the Secretary, shall be competent evidence in all courts.

Section 9. AUTHORITY AND DUTIES OF THE BOARD. The Board shall have complete control of the public utilities owned by the Town of Muscle Shoals, and as a part thereof it shall have authority to employ, upon terms to be fixed by the Board, but in no event for a term exceeding one year, and to discharge with or without cause, managers, cashiers, clerks, stenographers, attorneys, linemen, repairmen, laborers, and such other employees as are necessary for the operation of the utility. It shall have the power and authority and it shall be its duty to charge for and collect all accounts due for any service which the utility may furnish to its customers, upon rates to be provided and approved by the Board of Commissioners of the Town of Muscle Shoals, Alabama. The Board shall have the right to delegate to any manager which it may employ the authority to employ and discharge employees which may be needed; to direct their work

and to manage, control and operate the public utility of the Town of Muscle Shoals of which he is the manager, and to account to the Board for his acts in so doing, but his authority shall be restricted as the authority of the Board is restricted in this Act.

Section 10. **OFFICIAL BONDS OF OFFICERS AND EMPLOYEES.** All officers or employees of the Board handling money or exercising authority over property of the Town of Muscle Shoals shall, before entering upon the discharge of their duties, give bond with some Surety Company authorized to do business in the State of Alabama, as Surety, and payable to the Town of Muscle Shoals, to be approved by the Board in such penalty as the Board may prescribe conditioned for the faithful discharge of the duties of his office and faithfully to account for all moneys received or property coming into his possession in the capacity of his employment.

Section 11. **IMPEACHMENT AND REMOVAL OF MEMBERS OF THE BOARD.** Members of the Board may be removed from office in the manner and on the same grounds provided by the general law of this State for the impeachment and removal of officers, as set out in Section 175 of the Constitution of Alabama.

Section 12. **ACCOUNTANT, EXPERT, EMPLOYED: DUTIES OF.** The Board shall at least once a year appoint an expert Accountant or firm of Accountants who shall make an examination in detail of all books and accounts of the Board to cover the period since the preceding examination, and make a full report in writing, under oath, to the Board of its findings at the Board's first meeting after completion of such report, a copy shall also be furnished the Board of Commissioners, and the same shall be spread upon the minutes of the Board, but the same person or firm shall not be appointed or authorized to make such examination twice in succession. For this service said Accountant shall be paid such sum as may be agreed upon which is reasonable and proper.

Section 13. **REPORTS OF THE BOARD TO BOARD OF COMMISSIONERS.** Said Board shall make an annual report to the Board of Commissioners at its first regular meeting in October in each year, showing in detail the receipts and expenditures for the preceding fiscal year; the physical condition of the property under the care of said Board, and any other matters of public interest connected with said Board.

Section 14. **PUBLICATION OF RECEIPTS AND DISBURSEMENTS.** The Board shall make a semi-annual publication on the second Monday of January and July of each year in a newspaper published in the Town of Muscle Shoals, Alabama, of a report showing the receipts and expenditures of money of the Board specifying generally the source from which received

and the purpose for which expended, such publication must also show the entire indebtedness of the public utility of whatever kind and character specifying particularly the amount of bonds outstanding, their character and when due.

Section 15. EXPENDITURES FOR CONSTRUCTIONS OR ADDITIONS. No expenditures for any new construction, additions, or replacement to any public utility, or the equipment used by the same, shall be made by the board where the total expense will be more than \$1,500.00 without the consent and approval of the Board of Commissioners of the Town of Muscle Shoals, Alabama.

Section 16. FUNDS, MONEY, ETC. All funds of said Board shall be kept separate from the other funds of the Town and in the Town Depository, and the same shall be withdrawn only in such sums and at such times as the same shall be actually required for the expenditures authorized by law, and only upon warrants signed by an employee of the utility designated by the Board and countersigned by a member of the Board designated by the Board, and issued for claims that have been audited and ordered paid by said Board and for salaries due Board members and employees for work performed and services rendered.

Section 17. COLLECTIONS, DEPOSIT, AND DISTRIBUTION OF MONEY OF THE ELECTRIC DISTRIBUTION SYSTEM. All money collected from the sale of electric current, or received in any way from the use of the Electric Distribution System, shall be deposited in the Town Depository and shall be distributed by the Board in accordance with the terms of the Power Contract between the Tennessee Valley Authority and the Town of Muscle Shoals and of an Ordinance of the Town of Muscle Shoals authorizing the issuance and sale of Electric System Revenue Bonds, and all funds shall be distributed by the Board as provided by said Power Contract and by said Ordinance. When the bonds issued under the authority of said Ordinance have been fully paid and discharged the Board shall no longer be controlled in the distribution of funds by said Ordinance, and in the event that the said contract for power between the Tennessee Valley Authority and the Town of Muscle Shoals should be altered, the said Board shall distribute the money received in accordance with such new or changed contract as may be made for the purchase of power, and in the event that restrictions with reference to the disbursement of the money received shall be eliminated from the Power Contract, then said Board shall operate said Electric Distribution System economically in accordance with the powers and duties imposed upon them by this Act and shall remit the net revenues from the operation of the said Electric Distribution System to the Town of Muscle Shoals quarterly thereafter.

Section 18. BOND OF DEPOSITORY. The Board shall require from the Depository adequate bond or securities to secure the safety of said deposit which bond or securities shall be in the sum that the Board shall fix having due regard to the safety of the Board's funds.

Section 19. CONTROL OF WATER WORKS, GAS OR OTHER UTILITIES IF ACQUIRED BY THE TOWN OF MUSCOC SHOALS. Should the Town of Muscle Shoals in the future purchase, construct, or acquire a municipal Water System, a Municipal Gas System, or any other public utility, the Board created by this Act shall control, manage, and operate such municipally owned utility; it shall have full authority to employ and discharge a Manager for the same, and to employ and discharge, or authorize such Manager to employ and discharge, all such additional employees as may be needed to properly operate such utility; to operate and collect all charges for services; it shall deposit all funds derived from the operation of such utility in the Town Depository and shall pay out the same in accordance with any contract or contracts the Board of Commissioners of the Town of Muscle Shoals may make in acquiring the said utility or in acquiring funds for building or purchasing the same and shall operate such utility economically and pay the net revenues of such utility to the Town of Muscle Shoals quarterly.

Section 20. If any clause, sentence, section, or part of this Act shall be declared invalid, it shall not render the remaining parts of the same invalid, but they shall remain in full force and effect.

Section 21. a) The provisions of this Act shall not become effective until approved by the electors of Muscle Shoals at a referendum election to be held at the time of the regular municipal election to be held on September 15, 1947. The chairman of the governing body of Muscle Shoals shall issue a proclamation stating the time of holding the election and the proposition to be submitted to the electors, and the proclamation shall be published one time at least ten (10) days prior to the election in a newspaper of general circulation in the city. b) On the ballots to be used at the election, the proposition shall be stated substantially as follows: "Shall Muscle Shoals adopt the provisions of Act..... of the 1947 Legislature, approved the..... day of....., 1947? Yes ( ) No ( ). c) If a majority of the votes at the election shall be "yes", the provisions of this Act shall be adopted by Muscle Shoals and shall become effective immediately. If a majority shall be "no", the Act shall have no effect.

Approved August 15, 1947.

No. 382)

(H. 650—Lovelace

## AN ACT

To authorize the Board of Revenue of Escambia County Ala. to allow and pay the necessary, actual, reasonable, and monthly expenses of the Members of said Board in the performance of their Public and Official Duties as Members of said Board for the amount agreed on by said Board, of (\$65.00) Sixty-Five-Dollars per month for each member and not less than said amount until the further orders of said Board.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The Board of Revenue of Escambia County, Alabama, is hereby authorized to allow and pay to each member of said Board, for his necessary, actual, reasonable, and monthly expenses incurred in the performance of his public and official duties, the sum of three hundred dollars (\$300) per annum, which allowance shall be paid in equal monthly installments out of the county treasury.

Section 2. That on account of the now prevailing high cost of Automobiles, their maintenance and repairs and the high cost of Motor fuel, gasoline, and lubricating oil, all of which is now used and required by law to be used, by said Members in the performance of their said Official Duties, but at their own private cost and expenses, under the law governing said Board, and on account of the present high cost of everything now prevailing:—on account of the large, extensive and heavy State and County-Road Program agreed on by said County for the present and near future for the construction, maintenance, acquirement of right way, and repairs of State Roads and Farm to Market paved roads, for the present and near future and their increase hereafter; there being now under construction six of such road paving projects in said County which average a distance of about (15) fifteen miles each from the residences of the Members of said Board, and also for the maintenance and repairs of all County Roads and Bridges heretofore constructed and those now being planned for construction, and the purchase of labor and material under said Program. That all of the same must be done under the personal, direction, control and supervision of said Board and its Members. Said Board being responsible for the Construction, maintenance and repairs of all County Public Roads and Bridges throughout the County as now required by law governing said Board. That the foregoing are some of the reasons for the allowance of said expenses.

Section 3. The Board of Revenue may hereafter reduce the allowance provided for herein if, as, and when the general economic conditions shall be adjusted and become normal; and the Board may, if conditions warrant it, refuse to allow the same. This Act shall become effective immediately upon its passage



and approval by the Governor, or upon its otherwise becoming a law; it shall remain in effect for two years from and after its effective date.

Approved September 16, 1947.

No. 383)

(H. 673—Taylor (Autauga).)

### AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the City of Prattville, in Autauga County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the boundary lines and corporate limits of the City of Prattville, in Autauga County, Alabama, be and the same are hereby extended, altered, and rearranged so as to include within the corporate limits of said City all of the following described territory: Beginning at the center of Section 9, township 17, range 16, thence north one-half mile to the half mile corner on the north line of section 9, thence west one-half mile to the northwest corner of section 9, thence north one-half mile to half mile corner on the east line of section 5, thence west one-fourth mile to the southeast corner of the west half of the northeast quarter of section 5, thence north three-fourths mile to the northeast corner of the southwest quarter of the southeast quarter of section 32, township 18, range 16, thence west three-fourths mile to the northwest corner of the south half of the southwest quarter of section 32, thence south three-fourths mile to half mile corner on west line of section 5, township 17, range 16, thence west one-half mile to the center of section 6, thence south one and one-half miles to one half mile corner on the south line of section 7, thence east one-half mile to the southeast corner of section 7, thence south one-half mile to the southwest corner of the northwest quarter of section 17, thence east three-fourths mile to the northwest corner of the east half of the southeast quarter of section 17, thence south one-half mile to the southwest corner of the east half of the southeast quarter of section 17, thence east along the south line of section 17 and 16 five-eighths of a mile to Autauga Creek, thence up Autauga Creek with its meanderings to the south line of the northeast quarter of the southwest quarter of section 16, thence east about 10 chains to the southeast corner of the west half of the northeast quarter of the southwest quarter of section 16, thence north 20 chains, more or less to the half section line of section 16, thence east 10 chains to the center of section 16, thence east 48 chains, more or less, to the west line of the public road, thence north along the west side of said public road and Prattmont corporate limits 893 feet, more or less to Loder Street, thence north about 40 de-

greess west along the west line of Loder Street 970 feet, thence north 650 feet to Davis Street, thence north 40 degrees west along Davis Street 390 feet, more or less to the north line of section 16, thence east 400 feet, more or less to the northeast corner of section 16, thence east one-half mile to the half mile corner on the north line of section 15, thence north one-half mile to the center of section 10, thence west one mile to the point of beginning.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon it otherwise becoming a law.

Approved September 12, 1947.

No. 386)

(H. 786—Brannan

### AN ACT

To authorize and empower the Judge of Probate of Baldwin County, Alabama, with the consent of County Commission given by resolution spread upon its minutes, to appoint a Chief Clerk, to provide for the salary of said Chief Clerk and provide the method of payment of said salary, and provide for or require said Chief Clerk to enter into an official bond in the sum of Twenty-five Hundred Dollars, conditioned and payable as required by law.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The Judge of Probate of Baldwin County, Alabama, with the consent of County Commission given by resolution spread upon its Minutes, is hereby authorized and empowered to appoint a Chief Clerk, to hold office at the pleasure of the Judge of Probate of said County.

Section 2. Said Chief Clerk, so appointed, shall be paid a salary to be fixed by the County Commission of Baldwin County, Alabama, which salary shall not be less than One Hundred Dollars per month, and not more than Two Hundred Dollars per month.

Section 3. The County Commission of Baldwin County, Alabama, is hereby authorized and required to draw salary warrants monthly in favor of said Chief Clerk for the payment of the salary so fixed by them, which warrants shall be drawn upon and payable out of the General Fund of said County.

Section 4. Said Chief Clerk shall make bond, conditioned and payable as required by law, in the sum of Twenty-Five Hundred Dollars, for the faithful performance of the duties of the office of Chief Clerk.

Section 5. Should any section, clause or provision of this Act be declared unconstitutional, the same shall not affect the remaining sections, clauses or provisions hereof.

Section 6. This Act shall go into effect immediately upon its passage and approval by the Governor.

Approved September 16, 1947.

No. 387)

(H. 787—Larkins

### AN ACT

To provide for the abolishment of the fine and forfeiture fund of Coffee County: providing for the payment of fees of State witnesses out of the general fund of the county; requiring the re-registration of outstanding claims against the fine and forfeiture fund; prohibiting the payment of claims that are not re-registered; providing for annual transfers of \$1,500 from the general fund to the fine and forfeiture fund until all claims against it are paid.

*Be it Enacted by the Legislature of Alabama:*

Section 1. After the passage and approval of this Act, when any person subpoenaed as a witness before the grand jury of Coffee County procures a certificate of his attendance signed by the foreman of the grand jury, said certificate shall be paid out of the general fund of the county on presentation of the certificate by the lawful holder thereof to the depository or treasurer.

Section 2. When any person appears as a witness for the State in a criminal case in the circuit court of Coffee County and procures a certificate of his attendance signed by the clerk of the court, said certificate shall be paid out of the general fund of the county by the depository or treasurer on presentation of the certificate by the lawful holder thereof; and when any fees are collected for State witnesses in the circuit court or county court, such fees shall be paid to the county depository or treasurer and shall be credited to the general fund of the county.

Section 3. All claims against the fine and forfeiture fund of Coffee County heretofore registered and unpaid shall be barred and the payment thereof prohibited unless the same are presented within ninety days after the effective date of this Act to the county depository or treasurer and re-registered. Such claims shall be re-registered in the order of their prior registration.

Section 4. The custodian of county funds shall cause to be transferred from the general fund of Coffee County fifteen hundred dollars (\$1,500) annually, seven hundred fifty dollars (\$750) on October 1 and seven hundred fifty dollars (\$750) on April 1, to the fine and forfeiture fund, until the registered claims against the fine and forfeiture fund shall have been paid, at which time the fine and forfeiture shall be abolished; and all sums accruing to such fund thereafter shall be paid into the general fund of the county.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 16, 1947.

No. 388)

(H. 798—Brannan

## AN ACT

To alter, rearrange and fix the boundaries of the Town of Bay Minette, Baldwin County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The boundaries of the Town of Bay Minette, Baldwin County, Alabama are hereby altered, rearranged and fixed as follows: Begin at the Northwest Corner of Section 10, Township 2 South, Range 3 East in Baldwin County, Alabama and run thence East along the North line of the said Section to a point which is the Northeast Corner of the Northwest Quarter thereof; thence South along the Half Section line running North and South through the said Section to the Northeast Corner of R. E. Lee's Subdivision, as shown by the map or plat thereof, recorded in Map Book 1 at page 107, Baldwin County, Alabama Records; thence Eastwardly along the North line of the said Subdivision to a point on the West right-of-way line of the Louisville and Nashville Railroad; thence southwardly along the West right-of-way line of the said railroad to its point of intersection with the Half Section line running North and South through the said Section 10; thence South along the said Half Section line to a point which is the Southeast Corner of the West Half of the said Section 10; thence South along the Half Section line through Section 15, Township 2 South, Range 3 East to a point which is the Southeast Corner of the Southwest Quarter of the said Section 15; thence West along the South line of Section 15 and the South line of Section 16, Township 2 South, Range 3 East to a point where the South line of the said Section 16 intersects the West right-of-way line of the Bay Minette and Fort Morgan Railroad; thence Southwardly along the West right-of-way line of the said railroad to a point on the Half Section line running East and West through Section 21, Township 2 South, Range 3 East; thence West to the Northwest Corner of the Southwest Quarter of the said Section 21; thence North along the line dividing Sections 20 and 21 in Township 2 South, Range 3 East to a point which is the Northeast Corner of the Southeast Quarter of the Northeast Quarter of Section 20; thence West to the Northwest Corner of the Southwest Quarter of the Northeast Quarter of said Section 20; thence North to the Half Section post on the North line of said Section 20; thence

North to a point on the South right-of-way line of the Louisville and Nashville Railroad; thence Northeastwardly along the South right-of-way line of the said railroad to a point on the West line of Dobson Avenue, as shown on the map or plat of the Hand Land Company's Addition to the Town of Bay Minette, Alabama as recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records; thence Northwardly along the West line of Dobson Avenue to a point where the West line of Dobson Avenue intersects the North line of Eleventh Street as shown on the said Hand Land Company's map or plat of the Town of Bay Minette, Alabama; thence Northeasterly along the North side of Eleventh Street to a point on the West line of Section 9, Township 2 South, Range 3 East; thence North along the West line of Section 9 to the Northwest Corner thereof; thence North along the West line of Section 4, Township 2 South, Range 3 East to a point which is the Northwest Corner of the Southwest Quarter of the Southwest Quarter of the said Section 4; thence East to a point which is the Northeast Corner of the Southeast Quarter of the Southwest Quarter of the said Section 4; thence South to a point which is the Southeast Corner of the Southwest Quarter of the said Section 4; thence East along the South line of Section 4 to the Southeast Corner thereof, which point is also the Northwest Corner of the said Section 10 and the beginning point of this description.

Section 2. This act shall be effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 16, 1947.

No. 390)

(H. 803—McDanal and Black

#### AN ACT

To provide for clerical assistance and office equipment and supplies for the office of the Judge of Probate of Walker County, Alabama; and to provide for payment for such clerical assistance and office equipment and supplies out of the general fund of said county.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Judge of Probate of Walker County, Alabama is authorized to employ such clerical assistants for his office as he may deem necessary and to fix their salaries; provided however, that the total amount of the salaries of all such clerical assistants shall not exceed the sum of \$9,000.00 annually. The salaries of such clerical assistants shall be paid out of the general fund of Walker County in equal monthly installments, upon a certificate of the Judge of Probate that the person or persons named therein have performed the services or which payment is sought, and are entitled to payment in the amount stated therein.

Section 2. That the Judge of Probate of Walker County shall be furnished, at the expense of the county, such office equipment and supplies, including telephones, typewriters, stationery and stamps as may be required in the discharge of the duties of his office. Payment for such office equipment and supplies shall be made out to the general fund of Walker County, upon requisition of the Judge of Probate containing a certificate by him that such office equipment or supplies are required in the discharge of the duties of his office.

Section 3. That Section 2 of an act entitled "An Act to fix the salary of the Judge of Probate of Walker County, Alabama, to provide for the payment of the same out of the general funds of said county and to provide for all fees, and commissions now allowed by law to the Judge of Probate to be collected by him and paid over to the Treasurer of said county for the use of the general funds to provide for the employment of one chief clerk and two additional clerks in said office, fix their salaries and authorize payment of same out of the general fund of said county.", approved June 23, 1945, and all other laws and parts of laws in conflict herewith be and the same are hereby expressly repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 16, 1947.

No. 391)

(H. 804—Crocker, Whitcomb

### AN ACT

To allow the Sheriff of Marengo County, Alabama, an additional Deputy Sheriff to that now provided by law; to fix the salary of said Deputy and to make the same payable out of the general fund of Marengo County, in monthly installments.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Sheriff of Marengo County is hereby allowed an additional deputy to the deputy or deputies now provided by law, which said deputy shall receive a salary of not less than \$1200.00 and not more than \$1800.00 per annum which salary is to be fixed by the Board of Revenue of said County to be paid in twelve equal monthly installments out of the general fund of said County; that said deputy shall be eligible to perform the duties of deputy sheriff anywhere in said County, and said deputy sheriff shall be appointed by the Sheriff of said County to hold office at the pleasure of the Sheriff.

Section 2. That the salary of deputy sheriff shall be paid in the same manner and at the same time as salaries of other

regular monthly paid employees of said county are paid. That said salary of said deputy sheriff shall be paid by warrant drawn on the the General Fund of said County.

Section 3. That all laws and parts of laws in conflict with this Act are hereby expressly repealed, and this Act shall be in full force and effect from the date of its approval by the Governor.

Approved September 16, 1947.

No. 395)

(H. 749—Barnett and Rogers

### AN ACT

To Amend Sections 3 and 4 of an act approved February 17, 1931, and entitled, "An Act to provide for the election of a County Superintendent of Education for Lauderdale County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for his successor in office." As said act was ratified, healed, and cured by an Act of the Legislature of Alabama approved February 24, 1933, entitled an Act to ratify, heal and cure an Act of the Legislature of Alabama, approved February 17, 1931, and entitled: "An Act to provide for the election of a County Superintendent of Education for Lauderdale County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for his successor in office"; to confirm and validate the election held under and in accordance with the provisions of said Act, and the election of Homer E. Williams as County Superintendent of Education of Lauderdale County at said Election; to fix the term of office of the County Superintendent of Education of Lauderdale County; to prescribe his salary and the manner of payment; to define his qualifications, powers, and duties and to provide for the election of his successors in office."

*Be it Enacted by the Legislature of Alabama:*

Section One. That Section Three of said Act, as the same was ratified, healed, and cured, be amended to read as follows: That the salary of said County Superintendent of Education shall be fixed by the County Board of Education of Lauderdale County, Alabama, at not less than \$3600.00 per annum, which salary shall be paid in the same way and manner as now provided under the general laws of the State of Alabama for the payment of County Superintendents of Education in the several counties of the State. And said County Board of Education is also authorized to pay such reasonable travel expense as may be incurred by said County Superintendent in the exercise of his official duties.

Section Two. That Section Four of said Act, as the same was ratified, healed, and cured, be amended to read as follows: That said County Superintendent of Education shall be charged with the same duties and shall exercise the same powers as are now or as may hereafter be provided by the general laws of the State of Alabama in the conduct of the office of County Superintendent

of Education and no person shall be eligible for political party nomination or for election to the office of County Superintendent of Education of Lauderdale County, Alabama, who does not hold an Alabama Class A. Certificate in administration and supervision based as a minimum upon graduation from a standard teachers college and one year of additional study looking to a Masters Degree in administration and supervision of public education and must give proof of three years of successful experience as a teacher, principal, superintendent, or supervisor in the State of Alabama in the last five years preceding the election and shall have and possess such other qualifications as may be provided by the general school laws of the State of Alabama. Provided, however, that if no person meeting these requirements qualified for election as provided in this Act the County Board of Education shall appoint a Superintendent of Education as provided by the general law regulating the appointment of Superintendents; and provided that no person shall be eligible to qualify or be elected to the office of County Superintendent of Education of said County who is not a qualified elector of the State of Alabama at the time of the nomination and election to such office and who does not procure from the Superintendent of Education of the State of Alabama a certificate that he possesses the qualifications prescribed by this Act.

Section Three. That all laws and parts of laws in conflict with the provisions of this Act be, and they are hereby, repealed.

Section Four. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved September 16, 1947.

No. 403)

(S. 289—Boutwell

### AN ACT

To authorize the City of Birmingham, Alabama, for public use to construct, equip, maintain, and operate for compensation a public off-street automobile parking facility below the surface of that certain property in Birmingham, Alabama, known as Woodrow Wilson Park, and to use so much of said property known as Woodrow Wilson Park as may be necessary or desirable for the construction, maintenance, or operation of such facility for the public.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the City of Birmingham, Alabama, is hereby authorized for public use to construct, equip, maintain, and operate for compensation a public off-street automobile parking facility below the surface of that certain property in Birmingham, Alabama, known as Woodrow Wilson Park, and to use so much of said property known as Woodrow Wilson Park as may be necessary or desirable for the construction, maintenance, or operation of such facility for the public.

Approved September 18, 1947.



No. 404)

(S. 358—Swift)

## AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the City of Atmore, in Escambia County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the boundary lines and corporate limits of the City of Atmore, in Escambia County, Alabama, be and the same are hereby extended, altered and rearranged so as to include within the corporate limits of said City all the following described territory: The East half of the Southeast Quarter ( $E\frac{1}{2}$  of  $SE\frac{1}{4}$ ) of Section Twenty-four (24) and the Northeast Quarter of the Northeast Quarter ( $NE\frac{1}{4}$  of  $NE\frac{1}{4}$ ) of Section Twenty-five (25), in Township One (1) North, Range Five (5) East. All of those portions of Sections Seventeen (17) and Eighteen (18) that lie South of Brushy Creek, Sections Nineteen (19) and Twenty (20), the West Half of Section Twenty-one (21), the West Half of Section Twenty-eight (28), Sections Twenty-nine (29) and Thirty (30), the East Half of Section Thirty-one (31), and Section Thirty-two (32), all in Township One (1) North, Range Six (6) East. All of the above described property being situated in Escambia County, Alabama.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. That this Act shall go into effect on January 1, 1948.

Approved September 18, 1947.

No. 406)

(H. 728—Johnston, Sullivan &amp; Stone.)

## AN ACT

To amend Section 5 of an Act entitled "An Act to regulate the public schools in the County of Mobile", approved February 15, 1876, as last amended by Act approved September 2, 1935.

*Be it Enacted by the Legislature of Alabama:*

That Section 5 of an Act entitled "An Act to regulate the public schools in the County of Mobile", approved February 15, 1876; as last amended by Act approved September 2, 1935; be amended so as to read as follows: Section 5. Be it further enacted, That the said Board of School Commissioners shall be entitled to receive, levy, assess and collect all devises, revenues and taxes to which they were by law entitled at the date of the organization of the Board of Education of the State of Alabama, and that they shall have full power to continue in force, revise, modify, and improve, as to them may seem fit, the public school system now existing in the County of Mobile, and to make such

by-laws, rules and regulations, not inconsistent with the laws of the State and of the United States, for the government of the Board of said schools, as they may deem expedient or necessary. They shall hold regular meetings of said board at such times as they may fix upon, and adjourned or special meetings when necessary. Three members of the board shall constitute a quorum for the transaction of business, but no business involving a change in the system, rules or regulations, or affecting the general interest of the county, shall be transacted except at a regular meeting, after due notice given, or when a full board is in attendance. The said board shall be a body corporate; and may have a common seal; may sue and be sued; may, when the board deems such desirable, appoint or employ attorneys and pay to them agreed compensation in such manner or fashion as may to the board seem best; shall have power to purchase or lease such property for school purposes as in their judgment may be necessary for the proper accommodation and comfort of pupils and teachers, and fix the compensation and bonds of its officers, agents and employees, and change the same at pleasure; provided that the sum or sums so expended shall not exceed, in any one year, twenty per centum of the income of said board exclusive of the amounts derived from the State educational fund. The said board shall also have power to sell or exchange any of said property—the Barton Academy buildings only excepted—provided, that when the value of such property shall not exceed five thousand dollars, four of the members of said board shall vote in favor of the sale, and when the value exceeds five thousand dollars, the sale, to be valid, shall receive the unanimous vote of said board and be approved by the Judge of Probate of Mobile County. The said board shall also have the power to effect and take insurance upon its property and against all risks and hazards, whether of loss of or damage to its property, or of risks and claimed liability as for asserted damage to others, whether of like kind with insurance upon property or not, and including any and every kind, character and description of insurance that may be affected, taken and carried by a private person or corporation, for protection against risks now coverable by any kind of insurance, or that may hereafter be coverable by any kind of insurance, under the law and in accordance with the practice of underwriting. In effecting and taking such insurance, the board shall have the power to effect and take insurance and cause itself to be insured in any class, type, or kind of insurance company, including mutual insurance companies, that, in the discretion of the board, may seem to it wise, expedient or proper.”

Approved September 19, 1947.

No. 408)

(S. 360—Patton

## AN ACT

To impose additional duties upon the chairman and members of the Board of Revenue of Limestone County and to provide additional compensation therefor.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The Chairman and members of the Board of Revenue of Limestone County shall, in addition to the performance of other duties required by law, keep constantly advised as to the condition of all county roads where the same cross railroads and shall see to it that such crossings are kept in good repair and improved. Each associate member shall report to the Chairman any crossing in his district which needs repair, and the Chairman shall make a record thereof and call the same to the attention of the railroad company or companies using such crossing.

Section 2. For the performance of the additional duties imposed by this Act, the salary of the chairman of the board shall be increased to thirty-six hundred dollars (\$3,600) per annum and the salaries of associate members of the board shall be increased to eighteen hundred dollars (\$1,800) per annum.

Section 3. The provisions of this Act are severable. If any part is held to be unconstitutional or invalid, such holding shall not affect the remainder.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 19, 1947.

No. 412)

(H. 402—Stone

## AN ACT

To Amend Section 41, Title 62, of the Code of Alabama, 1940.

*Be it Enacted by the Legislature of Alabama:*

That Section 41, Title 62, of the Code of Alabama, 1940, be and the same is hereby amended so as to read as follows: Section 41. Compensation of the County Treasurer—The salary of the County Treasurer in the County shall be Seventy-two hundred dollars per annum, payable in equal monthly installments from the County Treasury on warrants drawn by the President or Chairman of the County governing body.

Approved September 25, 1947.

No. 415)

(H. 703—Stone

## AN ACT

To apply in Mobile County, Alabama, and requiring the payment to Mobile County, in addition to all other licenses and taxes required by law, of a license tax equal to two cents on each twelve fluid ounces or fractional part thereof, of malt or brewed beverages sold, distributed, delivered, stored or taken out of storage within such County; to provide for the ascertainment, payment, collection and distribution of such license tax and the enforcement of this Act and to prescribe penalties and fix punishment for the violation of any of the provisions of this Act.

*Be it Enacted by the Legislature of Alabama:*

Section One: This Act shall apply only in Mobile County and shall not have the effect of altering or repealing in anywise any statute now in effect but shall be in addition to and cumulative of all laws now in effect.

Section Two: When used in this Act.—(a) The term “person” means and includes every natural person, firm, corporation, club, partnership, company, trustee, agency, or association, of any agent, servant, employee, or officer thereof, singular or plural. (b) The term “distributor” and the term “seller” each shall mean and include any person, as the word “person” is herein defined, who is engaged in the business of selling, distributing, delivering, storing, or taking out of storage, malt or brewed beverages, as the words “malt or brewed beverages” are herein defined, within the county; provided, however, the terms “distributor” and “seller” shall not mean and include the Alabama Alcoholic Beverage Control Board nor the members, officers, or employees thereof while engaged in the performance of their duties under the Alabama Beverage Control Act, nor any liquor store or warehouse, established, operated and maintained by the said Alabama Alcoholic Beverage Control Board under said Act. (c) All words and phrases which are not hereinabove specifically defined, and which are defined in the Alabama Beverage Control Act, shall, unless the context hereof plainly shows a different meaning, be given the meaning ascribed to them in said Alabama Beverage Control Act. For such purpose Section 1 of Title 29 of the 1940 Code of Alabama, except insofar as said Section may be in conflict with the definition herein prescribed, is hereby adopted and made a part of this Act as effectually as if herein set out in full.

Section Three: (a) Every distributor or seller of malt or brewed beverages shall, in addition to all other taxes and licenses now imposed by law, pay a license tax to Mobile County, and a license tax is hereby fixed and created which shall be a sum and amount equal to two cents on each twelve fluid ounces or fractional part thereof of malt or brewed beverages sold, distributed, delivered, stored, or taken out of storage within the county; provided, however, that where the additional license tax hereby required to be paid shall have been paid by a distributor or seller of malt or

brewed beverages, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on the same identical beverage; provided further, however, that any distributor or seller, in order to be exempt under this provision, shall first comply with the provisions of sub-section (b) of this section. (b) Any distributor or seller of malt or brewed beverages, selling, distributing, delivering, storing, or taking out of storage malt or brewed beverages purchased from any other distributor or seller of malt or brewed beverages who has paid the license tax thereon as fixed in sub-section (a) of this section shall not be required to pay such license; provided, however, that in order to obtain such exemption such distributor or seller claiming such exemption must, on or before the 15th day of the first full month after the effective date hereof, and on or before the 15th day of each and every calendar month thereafter, file with the License Commissioner of the county, a written statement, sworn to and subscribed by such distributor or seller, claiming exemption, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceding, together with the name and address of the distributor, seller, or other person from whom purchased, received, or procured, and the brand of such malt or brewed beverages, the quantity of each brand of such malt or brewed beverages, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which purchased, received, or procured, and the disposition thereof by such distributor or seller claiming the exemption; such statement to be made in form prescribed by the License Inspector. (c) Each and every distributor or seller of malt or brewed beverages, except such as claim and obtain exemption under the provisions of subdivision (b) of this section, shall, on or before the 15th day of the first full month after the effective date hereof, and on or before the 15th day of each and every month thereafter, file with the License Commissioner and License Inspector of the county, on forms prescribed by the License Inspector, a written statement, sworn to and subscribed by such distributor or seller, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceding, together with the name and address of the distributor, seller or other person from whom purchased, received or procured, the brand of such malt or brewed beverages, the quantity of each brand of such malt or brewed beverages, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which purchased, received, or procured; and which also shall contain a detailed, itemized statement showing the name and address of each and every distributor, or seller, or other person, to whom any malt

or brewed beverages are sold, distributed or delivered by such distributor or seller, together with the quantity of each brand of malt or brewed beverages, sold, distributed or delivered to each, the size and kind of containers of each brand of such malt or brewed beverages, and the date or dates on which sold, distributed or delivered; and any distributor or seller failing, refusing, or omitting to file such statement as herein prescribed shall be guilty of a misdemeanor, and each day that such default continues shall constitute a separate offense. (d) The license herein fixed and prescribed in sub-section (a) of this section shall and must be paid by each person against whom the same is levied, or who is liable or subject to such license under the provisions hereof, on or before the 15th day of each calendar month, at the time of filing the statement required by sub-section (c) of this section, which license shall be based on the sale, distribution, delivery, storage and taking out of storage, of malt or brewed beverages, during the calendar month next preceding; and any person failing, refusing, or omitting to pay such license within the time herein prescribed shall be guilty of a misdemeanor, and each day such default continues shall constitute a separate offense, and in addition to the other penalties herein provided for, there shall be added to such license tax a penalty of twenty percentum of the amount thereof for such delinquency, said penalty to be paid to the License Inspector, and by him paid into the treasury of the county for use as hereinafter set out.

Section Four: It shall be unlawful for any distributor, or seller, or any person having no place of business within the county to make any sale, distribution, or delivery of malt or brewed beverages within the county without first having obtained a permit to do so from the License Commissioner of the county; and such person, distributor, or seller shall be liable for and subject to the license tax fixed and specified in Section 3 of this Act; provided, however, that nothing contained in this section or in any other part of this Act shall authorize any sale, distribution, or delivery of malt or brewed beverages within the county if such sale, distribution, or delivery is prohibited by any other laws of this State.

Section Five: It shall be unlawful and shall constitute a misdemeanor for any distributor or seller to engage or to continue in business as such distributor or seller at any time when he is in default in the payment of the license tax required to be paid by this Act; and each day during which a distributor or seller, then in default of said license tax, shall engage in such business shall constitute a separate offense.

Section Six: None of the provisions of this Act shall apply to acts or transactions which constitute interstate commerce, nor shall any provision hereof apply to United States or other Government business.

Section Seven: It shall be unlawful for any person to act as

agent, servant or employee for any distributor or seller who is delinquent in the payment of the license tax required by this Act to be paid, in engaging in or assisting in carrying on the business for which the distributor or seller is required to pay such license tax, and each day such agent, servant or employee shall engage in or assist in carrying on such business shall constitute a separate offense.

Section Eight: (a) It shall be the duty of any person subject to the license tax imposed by this act to keep full and complete records of all purchases, sales, receipts, inventories and of all other matters from which the correct amount of license tax to which such person is subject may be ascertained; and in the event that such person shall discontinue his business, he shall not destroy or dispose of such records until he shall have given the License Commissioner and the License Inspector of the county thirty days notice in writing of his intent to destroy or dispose of such records. The failure of such person to keep such records, or his destruction or disposition of such records without giving such notice, shall constitute a misdemeanor. (b) Upon demand by the License Commissioner or his authorized deputy, auditor or representative, or by the License Inspector of the county, it shall be the duty of any such person subject to the license tax imposed by this act to furnish such demanding person, without delay, all such information as may be required for determination of the correct amount of license tax to which such person is subject, and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination, during reasonable hours, at such person's place of business within the county, all books of accounts, invoices, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories, and any other information from which the correct amount of license tax to which such person is subject may be determined including exhibition of bank deposit books and bank statements; and any person failing or refusing to submit such records for such inspection and examination upon such demand, shall be guilty of a misdemeanor. (c) If any person subject to the provisions of this Act does not have in such person's control or possession, within the county, true and intelligible books of account, invoices, papers, reports or memoranda correctly showing the date and information necessary for determination of the correct amount of the license tax due, or if, having in such person's possession or under such person's control such books, invoices, papers, reports or memoranda, such person shall fail or refuse to submit and exhibit the same for inspection and examination as herein required, then, in either event, it shall be the duty of the License Inspector of the county to ascertain, from such information and data as he may reasonably obtain, the correct amount of license tax due from such person, and to assess the same against such person and to give

such person notice of said assessment and to demand of such person immediate payment of the amount of such license tax. If the amount of the license tax so ascertained and demanded is not paid within 10 days after receipt of notice of the assessment and demand for payment thereof, then, so long as said amount remains unpaid it shall be unlawful, and shall constitute a misdemeanor, for the person to engage in business as a distributor or seller, and each day's engagement in such business shall constitute a separate offense. (d) It shall be unlawful for any person connected with the administration of this Act to divulge any information obtained by him in the course of the inspection and examination of the books, invoices, reports, papers, or memoranda of the license taxpayer made pursuant to the provisions hereof, except to a person thereunto duly authorized by the governing body of a municipality of such county or to the License Commissioner, the County Attorney, the License Inspector or others connected with the administration of this Act, or unless required under proceedings or orders of any competent court.

Section Nine: It shall be unlawful for any person to knowingly or willfully make or exhibit any false written affidavit, certificate or statement as to the amount of stock on hand or volume of gross receipts, revenues or business done, or as to any other fact, and to file such affidavit or statement with or exhibit the same to the License Commissioner, the License Inspector, or any employee of the county for the purpose of defrauding the county by avoiding the payment of the license tax required to be paid by this Act.

Section Ten: The License tax required to be paid by this Act shall be paid to the License Commissioner who shall in turn pay the same to the County Treasurer. The County Treasurer shall in turn, pay the same when received by him to the public body corporate, by whatever name called, which is entrusted and burdened with the operation, management and control of the public schools of Mobile County.

Section Eleven: Any person violating any of the provisions of this Act, shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00) and may also be sentenced to hard labor for the county for not exceeding six months, either or both. It shall be the duty of the License Commissioner to receive the license tax herein levied and to make distribution as herein provided. It shall be the duty of the License Inspector to enforce the provisions of this Act and to check the books, records, etc. of any such person subject to the license tax imposed by this Act, and to furnish the necessary report forms, for the person subject to the license tax imposed by this Act, on which to make his monthly report to the License Commissioner and License Inspector, the expense of furnishing said forms to be paid for out of the general treasury of the county.



Section Twelve: If, for any reason, any clause, sentence, subsection or section, or provision of this Act, or the application thereof to any person or circumstance is held invalid or inoperative, the remainder of the Act and the application thereof to any other person and circumstances shall not be affected thereby.

Section Thirteen: This Act shall become effective ten days after its passage and approval by the Governor or its otherwise becoming a law and this Act shall apply to the sale, distribution, delivery, storage and taking from storage of malt or brewed beverages within the County on, from and after the effective date hereof.

Approved September 25, 1947.

No. 416)

(H. 704—Hornsby and Dobbs (Elmore))

### AN ACT

To Authorize the Erection at Tallassee, Alabama, of a Court House for the Use of the Tallassee Division of the Court of Common Pleas of Elmore County, Alabama, and for such Other Purposes for Which a County Public Building May Lawfully be Used, and to Equip the Same.

*Be it Enacted by the Legislature of Alabama:*

1. That the Court of County Commissioners of Elmore County, Alabama, may erect by contract, or otherwise, a Court House at Tallassee, Elmore County, Alabama, for the use of the Tallassee Division of the Court of Common Pleas of said County, and for such other purposes for which a County public building may lawfully be used.

2. Said building shall be of such character, dimensions and plan, as in the judgment of said Court of County Commissioners, will adequately provide quarters for the said Court of Common Pleas and for such other purposes for which a County public building may lawfully be used.

3. The said Governing Body of said County is further authorized to equip said building with lighting, plumbing and furniture.

4. This Act shall become effective upon its passage and approval.

Approved September 25, 1947.

No. 417)

(H. 743—Hornsby, Dobbs (Elmore)).

### AN ACT

To authorize Elmore County through its court of commissioners to borrow money in anticipation of taxes, to provide for issuance of warrants of certificates of indebtedness therefore, to limit the amount of such loans, the rate of interest thereon, to provide for the maturity thereof, the manner of execution, for registration, payment and cancellation, and priority of payment out of taxes collected.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The County of Elmore, in this State, through its court of county commissioners, may borrow money in anticipation of taxes for the year in which such loans are made and issue certificates of indebtedness or warrants covering such loans.

Section 2. Any money borrowed under authority of this Act shall not be for a sum greater than one-half of the income from taxation of said county for the preceding year.

Section 3. All warrants issued under authority of this Act shall be registered in the order in which they are issued, and said court shall have set aside and apart out of the taxes of the current year a sufficient amount to repay said loan. Said warrants or certificates shall be paid in the order of their registration and entitled to priority of payment where said taxes have not been previously pledged according to law.

Section 4. Said warrants or certificates shall mature not later than February the first of the year following their issuance, and shall not be renewed. They shall bear interest at not exceeding six per centum per annum, and when paid shall be marked cancelled, which said cancellation shall be noted on the registration thereof and in the minutes of said court.

Section 5. Said warrants or certificates shall be executed in the name of the county and signed by the Probate Judge and each member of the said court and shall have fixed thereto the seal of the said court.

Section 6. In using the proceeds of said loans, the said County shall not be limited to expending the same in the same manner as the general fund may now be expended by law, but may use such proceeds in the same manner as the road and bridge fund is now used or for any other lawful purpose.

Section 7. This act shall go into effect immediately upon its passage and approval.

Approved September 25, 1947.

No. 418)

(H. 805—Sullivan, Johnston, Stone.

AN ACT

To amend Section 8 of an act "to create and establish in Mobile County, Alabama a county wide Civil Service System" (Local Acts 1939, page 298, approved September 15, 1939).

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Section 8 of an act to create and establish in Mobile County, Alabama a county wide Civil Service System (Local Acts 1939, page 298, approved September 15, 1939) be and the same is hereby amended so as to read as follows: "Section VIII. PERSONNEL DIRECTOR: The Board shall elect and fix

the salary of the Director who shall hold office at the will of the Board. The Director shall be a bona fide resident of such county and a qualified elector thereof. His salary shall be fixed by the Personnel Board, subject to revision by the Supervisory Committee, provided, however, that said salary shall not exceed \$5,400.00 per year. The Director's salary shall be payable monthly and as provided in Section 30 hereof. The Director, as executive head of the Department, shall direct and supervise all its administrative and technical activities. It shall be his duty to:

- (1) Attend all meetings of the Board, and provide for recording its official actions, but he shall not have a vote.
- (2) Appoint from the Employment Register such employees of the Department, and such experts and special assistants as may be necessary to carry out effectively the provisions of this Act;
- (3) Prepare and recommend Rules and regulations for the administration of this Act.
- (4) Recommend, and on its adoption, establish, administer and execute a Classification Plan for the Classified Service.
- (5) Submit to the Board a Pay Plan for all positions in the Classified Service.
- (6) Conduct Tests, Formulate Employment Registers, and certify persons qualified for appointment; Devise and administer employee Service Ratings.
- (7) Examine all pay rolls or other compensation for personal services within the Classified Service with authority to disapprove, from time to time, any item or items thereof, and no such items so disapproved in writing by him shall be paid or authorized for payment.
- (8) Establish and maintain a Roster of all of the officers and employees in the Classified Service.
- (9) Make such reasonable investigations pertaining to personnel, salary scales, and employment conditions in the Classified Service as may be requested by the Board, the Citizens Supervisory Committee, or by the governing bodies of the County or of any City therein.
- (10) Make investigations concerning the administration and effect of this act and the rules made thereunder and report his findings and recommendations to the Board.
- (11) Make an annual report to the Board.
- (12) Perform any other act or acts required of him under this Act or required of him by the Board which may be necessary or proper to carry into effect its purposes and spirit.

The Director may join or subscribe to any association or service or publication having as its purpose the interchange or dissemination of information relating to the improvement of personnel administration.

Section 2. All laws and parts of laws in conflict with the provisions of this act shall be and the same are hereby repealed.

Section 3. This act shall take effect immediately upon its passage by the Legislature and approval by the Governor or upon its otherwise becoming law.

Approved September 25, 1947.

No. 419)

(H. 806—Barnett and Rogers

## AN ACT

To empower the governing body of Lauderdale County, Alabama, when authorized by a vote of the qualified electors of said County, to impose an excise tax of not more than two cents per gallon for not longer than ten years, on persons, corporations, copartnerships, companies, agencies or associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuels or devices or substitutes therefor in said County; to provide for the collection and payment of such tax and to provide the distribution and use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for enforcement of this Act and fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such county for the collection of the said tax.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The term "gasoline" as used in this Act shall include gasoline, naphtha and other liquid motor fuels or any devices or substitutes therefor commonly used in internal combustion engines, provided that nothing contained in this Act shall apply to oil used for lighting or heating purposes. The term "person" means and includes every person, corporation, copartnership, company, agency or association, singular or plural. The term "distributor" shall include any person who shall engage in the selling of gasoline as herein defined in Lauderdale County, by wholesale, in domestic trade, but shall not apply to any transaction by such distributor in interstate commerce. The term "retail dealer" shall include any person herein defined as the distributor who is also engaged in the sale of gasoline as herein defined at any place in Lauderdale County in broken quantities. The term "storer" as used herein shall include any person who ships gasoline into Lauderdale County in tank quantities and stores the same and withdraws or uses same for any purpose.

Section 2. The governing body of Lauderdale County, Alabama, when authorized and empowered by a vote of the qualified electors of the County as herein provided, may impose an excise tax of not exceeding two cents per gallon on persons, corporations, copartnerships, companies, agencies or associations engaged in the business of selling, distributing, storing or withdrawing from storage for any purpose whatever gasoline or other liquid motor fuels or devices or substitutes therefor in Lauderdale County, Alabama, and to require every distributor, retail dealer or storer of gasoline as herein defined to pay an excise tax in such amount as the said governing body shall impose not exceeding two cents per gallon upon the selling, distributing or withdrawing from storage for any use gasoline as herein defined in Lauderdale County, Alabama; provided that the excise tax authorized to be levied by this

Act shall not be levied for longer than ten years at any one time, nor shall such tax be levied upon the sale of gasoline in interstate commerce, and provided further that if the excise tax imposed by the said governing body upon the sale of such gasoline shall have been paid by a distributor or by a retail dealer or storer, such payment shall be sufficient, the intention being that the tax shall not be paid but once. The excise tax imposed by the said governing body under this Act shall apply to persons, firms, corporations, dealers or distributors storing gasoline and distributing the same or allowing the same to be withdrawn from storage, whether such withdrawal be for sale or other use, provided that sellers of gasoline and its substitutes paying the tax herein provided may pay the same computed and paid on the basis of their sales as hereinafter required, and storers and distributors shall compute and pay such tax on the basis of their withdrawals or distributions. The tax herein authorized to be imposed shall be in addition to any and all excise or other taxes imposed on gasoline, naptha and other liquid motor fuels or any device or substitute therefor, or on the business of selling, distributing, storing or withdrawing from storage for any purpose gasoline as herein defined by the State of Alabama or any other agency or subdivision of the State of Alabama.

Section 3. On or before the 20th day of each month after a tax is imposed by authority of this Act, every person upon whom the excise tax is levied shall render to the governing body of such county on forms prescribed by such governing body a true and correct statement of all sales and withdrawals of gasoline made by him or them during the next preceding month, liable for payment of the excise tax imposed by said governing body under authority of this Act, and shall furnish to said governing body such additional information as such governing body may require upon blanks to be formulated and furnished by said governing body, and at the time of making such report shall pay to the said governing body an amount of money equal to the excise tax levied under authority of this Act. The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths, and any false statement sworn to shall constitute perjury, and upon conviction thereupon the person so convicted shall be punished as provided by the law for the crime of perjury.

Section 4. All distributors, storers and retail dealers shall keep for not less than two years within the State of Alabama at some certain place or office such books, document or papers as will clearly show the amount of sale or withdrawals of gasoline made in Lauderdale County taxed under this Act.

Section 5. Within thirty days after any tax shall have been levied under authority of this Act every distributor, storer or retail dealer engaged in the sale or withdrawal of gasoline in Lauderdale County shall make a report on blanks furnished under Section

Two hereof to the governing body of said County, showing the place and postoffice address at which he is engaged in the business or distributor or storer or retail dealer in gasoline within said County, which information shall be entered by the governing body of said County on a book kept for that purpose, and should such distributor, storer or retail dealer move his place of business from one business address to another, such distributor, storer or retail dealer shall within thirty days thereafter notify the said governing body of such removal, giving the former place and postoffice address and also the place and postoffice address to which his place of business has been removed. After the tax imposed under this Act has become effective, no person shall become a distributor, storer or seller of gasoline in said County until he shall have made such reports to the said governing body.

Section 6. If any distributor, storer or retail dealer of gasoline in said County shall fail to make the reports or any of them as required in any provision of this Act, or shall fail to comply with any regulation adopted for the collection of said tax by the governing body of said County, within the time required for making such reports, or shall fail to pay the tax imposed within the time fixed for the payment thereof, such distributor, storer, or retail dealer shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50.00 nor more than \$300.00 for each offense.

Section 7. It shall be the duty of the governing body of said County to enforce the provisions of this Act upon its imposing the tax hereunder, and it shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every distributor, storer or retail dealer of gasoline on which such tax has been imposed, and to make any and all rules and regulations necessary and proper for the collection of such tax.

Section 8. If any distributor, storer or retail dealer in gasoline shall fail or make monthly reports or shall fail to pay the tax imposed under authority of this Act, the tax shall be deemed delinquent within the meaning of this Act and there shall be added to the amount of his tax a penalty of twenty-five (25%) per cent, provided if in the opinion of the governing body of the said County a good and sufficient cause or reason is shown for such delinquency, the penalty may be remitted. The said governing body shall be authorized and empowered to make returns for delinquent tax payers upon such information as it may reasonably obtain and add to that the penalty as prescribed by this Act. If any person shall be delinquent in the payment of any tax imposed under the authority of this Act, the governing body of said County shall issue execution for the collection of the same, directed to any Sheriff of the State of Alabama, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent taxes by the County Tax Collectors and make return of such execu-

tion to the governing body issuing the same. The tax herein authorized to be levied and the penalties herein provided for, shall be held as a debt payable to the County of Lauderdale by the person against whom the same shall have been imposed or against whom the penalties shall have accrued, and all such taxes and penalties shall be a lien upon the property in said County and elsewhere in this State of the person against whom said tax shall have been imposed and the penalties shall have accrued.

Section 9. The acceptance of any amount paid for the excise tax imposed under this Act shall not preclude the collection of the amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section 10. Any distributor, storer or dealer against whom shall be imposed any tax authorized by this Act who shall violate any provisions of this Act, or shall fail to comply with any reasonable rule or regulation promulgated hereunder, may be restrained, and proper prosecution instituted in the name of said County by such counsel as the governing body of said County shall direct, from distributing, selling, storing or withdrawing from storage any gasoline the sale or withdrawal of which is taxable until such person shall have complied with the provision of this Act.

Section 11. Each agent of any railroad company, bus or truck operator or other transportation company or agency operating in Lauderdale County shall report to the governing body of said County on the first day of October, January, April and July of each year all shipments of gasoline as defined in this Act or substitute therefor handled by him or through the station or office at which he is an agent, and delivered to any person in Lauderdale County, Alabama, during the preceding three months, giving the names and addresses of the consignors and consignees shipping and receiving said gasoline or substitute therefor and the number of gallons or pounds contained in each and every shipment.

Section 12. Except as herein otherwise provided, the proceeds of any tax imposed under authority of this Act shall be used exclusively for the construction, surfacing and maintenance of public roads and bridges in Lauderdale County.

Section 13. Before any tax is levied under authority of this Act, the governing body of said County shall first submit the question as to whether or not such tax shall be levied, the length of time it shall run, not exceeding ten years, and the rate of the tax, not exceeding two cents per gallon, to the qualified electors of said County at an election, which said election shall be called in the following manner: The governing body of such County shall pass a resolution reciting that in the opinion of the said governing body it is to the interest of said County that such tax be levied for the purposes authorized in this Act and calling upon the Probate Judge, the Sheriff and the Circuit Clerk of said County to call an election for the purpose of submitting to the qualified electors the

question as to whether or not the tax authorized hereunder shall be levied, stating the rate proposed and the time which the said tax shall run. Upon such certificate the Probate Judge, the Sheriff and Clerk of said County shall by proclamation call an election which proclamation shall be in substance as follows: "To the Electors of Lauderdale County, Alabama: The governing body of said County having passed a resolution reciting that it is to the interest of the County that an excise tax of not less than (stating the amount of said tax) cents be imposed on persons, corporations, copartnerships, companies, agencies or associations engaged in the business of selling, distributing, storing, or withdrawing from storage for any purpose whatever gasoline or other liquid motor fuels or devices or substitutes therefor in Lauderdale County, Alabama, for a period of (here insert the length of time tax should run), and which said resolution requests the undersigned officials to call an election to submit to the qualified electors the aforesaid proposition. Now, therefore, an election be and is hereby called to be held at the several polling places in Lauderdale County, Alabama, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at which said election the question as to whether or not the said tax shall be levied in this county and shall be voted upon by the qualified voters of said county."

WITNESS our hands this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Probate Judge.

\_\_\_\_\_  
Sheriff.

\_\_\_\_\_  
Clerk.

Notice of the said election shall be given by publication of the aforesaid proclamation once a week for four consecutive weeks in any newspaper published in said County. The said election shall be held, conducted and canvass of the returns thereof made and certified in the same manner as elections for County officers. Except as herein otherwise provided, the general statute relating to the election for county officers shall govern in elections held hereunder. The Probate Judge shall cause ballots to be printed and distributed at such election, which said ballot shall be in substance as follows: "Shall an excise tax of (stating the amount of said tax) cents per gallon be imposed on persons, corporations, copartnerships, companies, agencies or associations engaged in the business of selling, distributing, storing or withdrawing from storage for any purpose whatever gasoline or other liquid motor fuels or devices or substitutes therefor in Lauderdale County, Alabama, for a period of (here insert the length of time tax should run) commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_." And under the said above writing shall appear on the left-hand



side the words "For said Tax" with appropriate lines or brackets marked "Yes," and on the right-hand side the words "Against said Tax" with appropriate lines or brackets marked "No," and the person desiring to vote shall indicate his choice by making a cross mark on the line or bracket opposite or under the words "Yes" or "No," whichever shall indicate his choice. The Probate Judge, Sheriff and Circuit Clerk of said County shall certify the results of said election to the governing body of said County, and if a majority voting at said election shall have voted for such tax, the said governing body may, at its next regular meeting after such certificate is received by it, impose the said tax in the amount and for the time submitted on the ballot.

Section 14. The governing body of said County may borrow against any tax imposed under this Act and may pledge the taxes when collected to secure any loan made in anticipation of the same, or may pledge the same in payment of any obligation incurred for the purposes for which the tax is authorized to be levied, provided, however, that it shall not borrow more than the income from such tax for twelve months estimated on the returns from the said tax for the three calendar months immediately preceding; nor shall it pledge the same for more than twelve months or pledge the same for any obligation in excess of the receipts for twelve months estimated upon the receipts for the preceding three months.

Section 15. Should any section, paragraph or portion of this Act be declared unconstitutional, it shall not invalidate the remaining sections, paragraphs or portions hereof.

Section 16. This Act shall go into effect immediately upon its passage and approval, or its otherwise becoming law.

Approved September 25, 1947.

No. 420)

(H. 812—Johnston, Sullivan, Stone.

## AN ACT

To further regulate and define the powers, functions, duties and authority of the Chairman and members of the Board of Revenue and Road Commissioners of Mobile County in relation to the Juvenile Detention Homes and the County Alms House of Mobile County; to provide for inspections and reports relating to such new and additional duties of said Board and its several members; to provide additional compensation to such Board members for performing such additional duties and to prescribe the method and manner of payment of such compensation; to provide that this Act shall not repeal any existing law and to provide when this Act shall go into effect.

*Be it Enacted by the Legislature of Alabama:*

Section 1: That from and after the passage and approval of this Act, in addition to performing all the duties, functions, powers or authority of whatever kind and nature now imposed upon them by law, either general, local or special, the Chairman and each

member of the Board of Revenue and Road Commissioners of Mobile County, are hereby required to and shall further perform the following duties: Make monthly inspections of the Juvenile Detention Homes and the County Alms House in order to better and regularly advise themselves of the condition of such public buildings and the facilities thereat, as well as the manner in which the same are conducted; to thereby enable said Board and the members thereof to make necessary corrections and/or to receive and promote suggestions or improvements to such buildings as well as in the most economical and advantageous use of such buildings and their respective facilities by the public generally, and particularly for the benefit of the persons committed to and/or lawfully receiving the care and benefit of such institutions. Reports of such inspections accompanied by recommendations shall be made at the regular meeting of the Board following each such inspection.

Section 2: For the performance of the new and additional duties hereinabove imposed as set forth in Section 1 of this Act, the Chairman and each member of the Board of Revenue and Road Commissioners of Mobile County shall each receive as compensation therefor the sum of Six Hundred Dollars (\$600.00) per annum, such compensation to be paid in equal monthly installments from the general funds of Mobile County and same shall be in addition to the compensation now and heretofore paid each of said members.

Section 3: This Act shall not repeal any existing Act, general, local or special, but shall be in addition to all other laws of whatsoever nature now in force.

Section 4: This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 25, 1947.

No. 422)

(H. 829—Johnston, Sullivan, Stone.

### AN ACT

To provide that when the prosecuting attorney of Mobile County, Alabama files with the Governor an application for extradition of a person wanted in Mobile County to answer a criminal charge and demand has issued, the Treasury of Mobile County shall advance to the Sheriff a sum sufficient out of the general funds of the county to pay the expenses reasonably necessary to effect said extradition; to create a minimum fund out of which such advancement may be made; and to provide for the reimbursement of the county treasury.

*Be it Enacted by the Legislature of Alabama:*

Section 1: Whenever the prosecuting attorney of Mobile County shall present to the Governor his written application for a requisition for the return to Mobile County of any person in

another state to answer a criminal charge in Mobile County, and the Governor shall have granted such application and caused the demand to be issued as authorized by law, it shall be the duty of the Treasurer of Mobile County to pay to the sheriff of said county a sum reasonably sufficient to effect the extradition. Such sum shall include any and all expenses that the sheriff is entitled to receive from the State of Alabama in prosecuting said extradition.

Section 2: It shall be the duty of any governing body of Mobile County to set aside and allocate annually from the general fund of the county a sum reasonably sufficient to pay the expenses impressed in the preceding section which sum shall be kept at a level of not less than \$500.00. The Treasurer shall disburse said allocated funds in the manner provided herein.

Section 3: When the sheriff shall have received from the State of Alabama his expenses lawfully incurred in effecting said extradition, he shall immediately reimburse the county treasurer therewith and shall also pay any sum between the amount withdrawn and that received from the State, to the end that the entire advance made by the county for said extradition may be refunded.

Section 4: After the State has paid the lawful expense incurred in any extradition proceedings, and the sheriff fails forthwith to refund to the county the full amount paid to him by the county to cover such expense, it shall be the duty of the county treasurer to deduct from the sheriff's next salary check a sum sufficient to make said repayment in full. The acceptance by the sheriff of any money from the county treasurer as an advancement for the purposes herein stated shall constitute the authority of the county treasurer to make said deduction. The sheriff and his official bond shall both be liable for said refund.

Section 5: This Act shall take effect immediately on its lawful enactment.

Approved September 25, 1947.

No. 423)

(H. 830—McGowin and Thagard

### AN ACT

To provide for the County Board of Education of Butler County, Alabama, prescribing the election of members, their terms, compensation, powers, and duties.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The Board of Education of Butler County, Alabama, shall consist of five members, a chairman and four associate members, who are qualified electors of the county.

Section 2. One associate member shall be elected from each of the four commissioners districts constituted by Local Act No.

183, Local Acts, 1945, page 99. Associate members must reside within the district they represent, and they shall be nominated and elected by the qualified electors of the entire county. The Chairman of the board may reside anywhere in the county, and shall be nominated and elected by the qualified electors of the entire county. Except as otherwise hereinafter provided, the chairman and the associate members shall be elected for terms of four years or until their successors are elected and qualified, their terms commencing on the second Tuesday in January immediately following their election.

Section 3. The county board of education shall exercise all the jurisdiction, powers, and duties now or hereafter granted or conferred upon county boards of education by the laws of the state. The county board of education shall appoint the county superintendent of education for a term of not less than one year nor more than four years, and may remove him at any time for cause. The term of the county Superintendent of Education to be appointed under the provisions of this act shall commence with the expiration of the elective term of the present incumbent.

Section 4. The members of the county board of education shall receive ten dollars a day and their actual traveling expenses incurred in attending meetings of the board, and transacting the business of the board, not to exceed pay for twelve days in any one year.

Section 5. The Chairman of the board shall be elected at the general election in 1948 for a term of four years. The two associate members from Commissioners Districts Nos. 1 and 2 shall be elected at the general election in 1950 for a term of two years. The chairman and all associate members shall be elected at the general election in 1952 and every four years thereafter.

Section 6. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 7. This Act shall be effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 25, 1947.

No. 424)

(H. 831—Shelton and Callahan

# AN ACT

Levying in Tuscaloosa County, Alabama, additional special privilege or license taxes and excise taxes equalling fifty per centum of, and otherwise paralleling, with like provisions in Tuscaloosa County such State taxes as are levied by the State by Sections 752 through Section 811 and Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, and amendments thereto, except that only fifty per centum of the State levy is hereby made and is to be collected hereunder in Tuscaloosa County and providing for the collection thereof and providing that all such revenue arising from the levy herein made shall be used exclusively for hospital purposes and maintenance, operation, construction and improvement of

said public hospital being jointly operated by the City of Tuscaloosa and Tuscaloosa County, Alabama, known as the Druid City Hospital and the acquiring of a suitable site therefor; and providing that the City of Tuscaloosa and Tuscaloosa County may issue and sell revenue warrants, to be known as Druid City Hospital Revenue Warrants, for the sole purpose of constructing and improving said Druid City Hospital and the acquiring of a suitable site therefor, and that the City of Tuscaloosa and Tuscaloosa County may pledge not more than eighty (80%) per centum of the revenues to arise from the levies herein made for the payment of the principal and interest on said warrants for a period of not over thirty years, and provided that said warrants shall not be a general obligation of the City of Tuscaloosa or of Tuscaloosa County and shall not be charged to the Constitutional debt limit of the City of Tuscaloosa or of Tuscaloosa County, and shall only be payable from the taxes levied hereby.

WHEREAS, Tuscaloosa County and the City of Tuscaloosa are now jointly operating a hospital known as the Druid City Hospital in the City of Tuscaloosa for the treatment and care of human beings by and under a Hospital Board, as authorized by law, which said hospital is wholly inadequate to meet the needs of sick and suffering humanity in this area, and said hospital is in great need of enlargement, improvement and modernization and the acquiring of an adequate appropriate site therefor and the construction of new buildings and the providing of suitable operating rooms, facilities, equipment and personnel, and neither the City of Tuscaloosa nor Tuscaloosa County has the funds to meet this great and growing humanitarian need; and,

WHEREAS, the United States Government has recently passed a law whereby certain funds may be allocated in part for some or all of the purposes above mentioned with the proviso that the United States Government not furnish more than one-third of the cost thereof, and which funds are hedged around with various requirements and restrictions, and it may or may not be possible or desirable to comply with the requirements of the Federal Law and get these funds, but in any event it is imperative that funds be provided to meet the needs above mentioned, and to obtain suitable and adequate hospital facilities for this area; and,

WHEREAS, many civic groups and interested public-spirited citizens in Tuscaloosa County and in the City of Tuscaloosa and a special Citizens Hospital Committee have determined that a special sales tax and special use tax paralleling the State Sales Tax and State Use Tax levied by and under sections 752 through 811 and Articles 10 and 11 of Title 51 of the Code of Alabama, and amendments thereto, should be levied for the purpose of providing such hospital facilities and equipment in the City of Tuscaloosa and Tuscaloosa County, Alabama, by local act provided the levy made, or to be made, in Tuscaloosa County by local act for said hospital purposes be only fifty percentum of the State levies above mentioned, and these various groups have importuned and urged the Tuscaloosa County Delegation in the present Legislature to meet this great and urgent hospital need; Therefore,

*Be It Enacted by the Legislature of Alabama:*

Section 1. In Tuscaloosa County, Alabama, there is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows: (a) Upon every person, firm or corporation engaged, or continuing within Tuscaloosa County, Ala-

bama, in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debt or stocks), an amount equal to one per cent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business. (b) Upon every person, firm or corporation engaged, or continuing within Tuscaloosa County, Alabama, in the business of conducting, or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within Tuscaloosa County, Alabama, an amount equal to one per cent of the gross receipts of any such business. (c) Upon every person, firm or corporation engaged or continuing within Tuscaloosa County, Alabama, in the business of selling any automotive vehicle, an amount equal to one-fourth of one per cent of the gross proceeds of the sale of said automotive vehicle. (d) The tax levied in Section One hereof shall be subject to all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines and punishments and deductions set out in Section 752 through Section 786 and Article Ten of Chapter 20 of Title 51 of the Code of Alabama, and amendments thereof, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part thereof by reference, including the provisions for the enforcement and collection thereof.

Section 2. (a) In Tuscaloosa County, Alabama, an excise tax is hereby imposed on the storage, use or other consumption in Tuscaloosa County, Alabama, of tangible personal property purchased at retail on or after effective date of this act, for storage, use or consumption in Tuscaloosa County, Alabama, at the rate of one per cent of the sales price of such property, except as provided in subsection (b) of this

section. (b) In Tuscaloosa County, Alabama, an excise tax is hereby imposed on the storage, use or other consumption in Tuscaloosa County, Alabama, of any automotive vehicle purchased at retail on or after the effective date of this Act, for storage, use or other consumption in Tuscaloosa County, Alabama, at the rate of one-fourth of one per cent of the sales price of such automotive vehicle. Every person storing, using or otherwise consuming in Tuscaloosa County, Alabama, tangible personal property purchased at retail shall be liable for the tax imposed hereby, and the liability shall not be extinguished until the tax has been paid; provided, however, that a receipt from a retailer maintaining a place of business in Tuscaloosa County, Alabama, showing the payment of said tax shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer. (c) The tax levied in Section Two hereof shall be subject to all the definitions, exceptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, and punishment and deductions set out in Section 787 through Section 811 and Article 11 of Chapter 20 of Title 51 of the Code of Alabama, and amendments thereto, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof.

Section 3. The taxes as herein levied, together with the interest and penalties imposed by this act, shall be a lien upon the property of any person, firm or corporation due said taxes under the provisions of this act, and all of the provisions of the revenue laws of the State of Alabama applying to or with reference to the enforcement of liens for license taxes due the State of Alabama shall apply fully to the collection of the taxes herein levied, and Tuscaloosa County and the City of Tuscaloosa may jointly collect or enforce said taxes thereunder and in manner and form therein provided.

Section 4. The taxes herein levied shall constitute a joint debt due Tuscaloosa County and the City of Tuscaloosa and may be collected by civil suit in addition to the methods provided by law or herein otherwise provided.

Section 5. The taxes herein levied shall be collected by, and paid to, the Probate Judge of Tuscaloosa County in his official capacity. All reports required to be made to the Commissioner of Revenue of the State of Alabama as to State Sales and Use Taxes under Section 752 through Section 811 and Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama as to such taxes herein levied shall be made to the Probate Judge of Tuscaloosa County, Alabama, and as to the taxes herein levied the Probate Judge of Tuscaloosa County, Alabama, shall have and exercise the same powers, duties and obligations as are imposed on the Commissioner of Revenue of the State of Alabama by Section 752 through Section 811 and by Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama; and amendments thereto, as to State taxes therein levied.

Section 6. The taxes imposed hereby shall be in addition to all other licenses and taxes levied by law as a condition precedent to engage in any business taxable hereunder in Tuscaloosa County except as herein otherwise specifically provided.

Section 7. The taxes herein levied shall be due and collectible at the times and manner and as set out in Section 752 through Section 811 and in Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, and all of the methods and provisions given to the State of Alabama as to the collection of said taxes under the provisions of Section 752 through Section 811 and Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, and amendments thereto, are given hereby to Tuscaloosa County and the City of Tuscaloosa as to the taxes hereby levied.

Section 8. All revenue arising from the taxes herein levied shall be used exclusively for hospital purposes and for solely the maintenance, operation, construction and improvement of public hospital in Tuscaloosa County being operated jointly by the City of Tuscaloosa and Tuscaloosa County and the acquiring of sites therefor, and for no other purpose, and the City of Tuscaloosa and Tuscaloosa County are hereby authorized and directed to issue and sell interest-bearing warrants, to be known as Druid City Hospital Revenue Warrants, with principal and interest to be paid solely from the funds to be derived from the special taxes herein levied, the proceeds thereof to be used for the sole purpose of the construction, equipping and improvement of such public hospital in Tuscaloosa County to be jointly operated by Tuscaloosa County and the City of Tuscaloosa, and the acquiring of sites therefor, and not more than eighty per centum (80%) of said funds to be derived from the special taxes herein levied may be pledged by the City of Tuscaloosa and Tuscaloosa County for the payment of said warrants and interest thereon, with the proviso that said warrants shall not be a general obligation of the City of Tuscaloosa or of Tuscaloosa County and shall not be charged to the Constitutional debt limit of the City of Tuscaloosa or of Tuscaloosa County; and provided that said warrants shall not be issued for a longer period than thirty years and not more than eighty per centum of the revenue to be derived from the taxes herein levied may be pledged for the payment of the principal and interest on said warrants.

Section 9. Each taxpayer may comply with the provisions of this act by filing with the Probate Judge of Tuscaloosa County, a copy of the report made by him to the Commissioner of Revenue of the State of Alabama and paying to said Probate Judge of Tuscaloosa County a sum equal to fifty per centum of the amount due the State under Sections 752 through Section 811 and Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama and amendments thereto, without making other reports or payments.

Section 10. All laws and parts of laws in conflict with any provision of this Act are hereby repealed.



Section 11. If any section, clause or provision of this act shall be, or declared to be, invalid, this shall not affect any other section, clause or provision hereof not in itself invalid.

Approved September 25, 1947.

No. 425)

(H. 832—Ingalls, Busby,  
Pinkston and Sightler.

### AN ACT

To amend Section 1 of Act 89, approved July 7, 1947, which fixes the compensation of the sheriff of Montgomery County and provides for help and assistants and other expense in the office of the sheriff, by increasing the allowance for help and assistants.

*Be It Enacted by the Legislature of Alabama:*

Section 1 of Act 89, approved July 7, 1947, which fixes the compensation of the sheriff of Montgomery County and provides for help and assistants and other expense in the office of the sheriff, is amended to read: "The sheriff of Montgomery County shall be paid an annual salary of four thousand dollars (\$4,000) net, in lieu of all other compensation, fees, and emoluments, except as is otherwise provided in this Act, and the sheriff shall be allowed the sum of forty-six thousand and two hundred dollars (\$46,200) per annum for help and assistants as follows: one chief deputy at thirty-six hundred (\$3,600) per annum; eleven deputies at three thousand dollars (\$3,000) per annum; one warden at three thousand and three hundred dollars (\$3,300) per annum; two wardens at twenty-four hundred dollars (\$2,400) per annum; and one attorney at one thousand and five hundred dollars (\$1,500) per annum. In addition, the sheriff shall be allowed the further sum of twenty-five hundred dollars (\$2,500) per annum, in equal monthly installments, for his ex-officio services and for his attendance upon sessions of the juvenile court or courts of like jurisdiction in the county. The sheriff further shall be allowed his necessary expense in apprehending and returning prisoners from other states, up to and including six hundred dollars (\$600) per annum; such expense money shall be paid on requisition filed with and approved by the board of revenue of the county. All payments provided for in this section shall be paid out of the general funds of the county; and, except as herein otherwise provided, the selection and appointment of deputies, wardens, and the attorney shall be made by the sheriff."

Approved September 25, 1947.

No. 430)

(H. 791—Johnston, Sullivan, Stone.

## AN ACT

To amend Section 28 of an act "to create and establish in Mobile County, Alabama a county wide Civil Service System" (Local Acts 1939, page 298, approved September 15, 1939).

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Section 28 of an act to create and establish in Mobile County, Alabama, a county wide Civil Service System (Local Acts 1939, page 298, approved September 15, 1939) be and the same is hereby amended so as to read as follows: "Section XXVIII. CERTIFICATIONS OF PAYROLLS: (a) It shall be unlawful for any County or City official, officer or employee, or any other officer, to pay or cause to be paid any salary or compensation to any person in the Classified Service, of Mobile County or any City therein, for personal services, unless the payroll, estimate, voucher, or account for such salary or compensation, containing the name of the person to be paid shall bear the certification of the Director that the person or persons named therein are employees of the County or City and are legally entitled to receive the sums stated therein. (b) Any sum paid contrary to any provision of this Act or of any Rule, regulation or order thereunder may be recovered in an action maintained in the name of the County or City by the applicable County or City Attorney or by any citizen or taxpayer of such County or City, from any officer who made, approved or authorized such payment or who signed or countersigned a voucher, payroll, check, or warrant for such payment, or from the sureties on the official bond or any such officer. All moneys recovered in any such action shall be paid into the respective County or City treasury. (c) Any person appointed or employed in contravention of any provision of this Act or of any Rule, regulation or order thereunder who performs service for which he is not paid, may maintain an action against the officer or officers who purported so to appoint or employ him to recover the agreed pay for such services, or the reasonable value thereof if no pay was agreed upon. No officer shall be reimbursed by a County or City at any time for any sum paid to such person on account of such services. (d) If the Director wrongfully withholds certification of the payroll voucher or account of any employee, such employee may maintain a proceeding to compel the Director to certify such payroll voucher or account.

Section 2. All laws and parts of laws in conflict with the provisions of this act shall be and the same are hereby repealed.

Section 3. This act shall take effect immediately upon its passage by the Legislature and approval by the Governor or upon its otherwise becoming law.

Approved September 25, 1947.

No. 431)

(H. 792—Johnston, Sullivan, Stone.

## AN ACT

To amend Section 7 of an act "to create and establish in Mobile County, Alabama a county wide Civil Service System" (Local Acts 1939, page 298, approved September 15, 1939).

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Section 7 of an act to create and establish in Mobile County, Alabama, a county wide Civil Service System (Local Acts 1939, page 298, approved September 15, 1939) be and the same is hereby amended so as to read as follows: "Section VII. PERSONNEL BOARD: The Personnel Board shall consist of three members designated respectively as Member Number One, Member Number Two, and Member Number Three, each of whom shall be over 21 years of age, of recognized good character and ability, a bona fide resident and a qualified elector of Mobile County, and shall not, when appointed, nor for the three years then next preceding the date of his appointment have held any Mobile County or City public office, nor have been a candidate for such. If any person actively solicits a position on such Board, the Committee may, for this reason, refuse to consider his appointment. The Board shall meet once a month on dates to be fixed by its Rules and regulations and as much oftener as shall be necessary for the orderly dispatch of its business. The members of the Board shall be selected for the following terms and in the following manner: the Citizens Supervisory Committee shall, within thirty days after this Act becomes effective, appoint all three members and shall appoint the successors of said Board Members within thirty days after a term expires or a vacancy occurs. Member Number One shall hold office for a term of two years beginning on the date this Act becomes effective and until his successor is appointed and has qualified. His successors shall hold office for terms of six years, the first of which shall begin two years after the passage of this Act and the subsequent terms shall begin each six years thereafter. Member Number Two shall hold office for a term of four years beginning on the date this Act becomes effective and until his successor is appointed and has qualified. His successors shall hold office for terms of six years, the first of which shall begin four years after the passage of this Act and the subsequent terms shall begin each six years thereafter. Member Number Three shall hold office for a term of six years beginning on the date this Act becomes effective in said County and until his successor has been appointed and has qualified. His successors shall hold office for terms of six years, the first of which shall begin six years after the passage of this Act and the subsequent term shall begin each six years thereafter. In the event of a vacancy on the Board occasioned by death, resignation, impeachment or other cause, such

vacancy shall be filled by the Citizens Supervisory Committee for the then unexpired term. Each Member shall receive ten dollars for each meeting of the Board attended by him, provided no Member shall receive more than Forty Dollars (\$40.00) compensation for services during any one month. This compensation shall be paid as provided in Section 30 hereof. It shall be the duty of the Board as a body: (1) To select a Personnel Director as hereinafter provided in Section 9 of this Act. (2) After a Public Hearing or Hearings to adopt and amend Rules and regulations for the administration of this Act, as hereinafter provided. (3) After a Public Hearing or Hearings to adopt, modify, or reject such Classification and Compensation Plans for the Classified Service together with Rules for their administration, as may be recommended by the Director after a thorough survey by him of the personnel and departmental organizations included in such plan or plans. (4) To make such investigations as, in the Board's opinion, are reasonable, either on petition of a citizen, taxpayer, or party at interest, or of its own motion, concerning the enforcement and effect of this Act, and to require observance of its provisions and the Rules and Regulations made pursuant thereto. (5) To conduct hearings and to render decisions, as hereinafter provided, on charges preferred against persons in the Classified Service. (6) To make such investigations as, in the Board's opinion, are reasonable, as may be requested by the governing bodies of the County or of any City therein or by the Citizens Supervisory Committee and to report thereon to the governing body of Committee requesting same. (7) To consider and act on such matters as may be referred to the Board by the Director. (8) To represent the public interest in the improvement of personnel administration in the Classified Service. (9) To advise and assist the Director in fostering the interest of institutions of learning, civic, professional, and employee organizations in the improvement of personnel standards in the Classified Service. (10) To elect at the regular monthly meeting in April of each year one of its members to serve as Chairman of the Board for the ensuing twelve months. Should the Personnel Board fail to elect the Chairman within thirty days after the regular monthly meeting in April of each year, then such a Chairman shall be elected by the Citizens Supervisory Committee. The Board shall also have the authority, functions, and duties as in other sections of this Act provided."

Section 2. All laws and parts of laws in conflict with the provisions of this act shall be and the same are hereby repealed.

Section 3. This act shall take effect immediately upon its passage by the Legislature and approval by the Governor or upon its otherwise becoming law.

Approved September 25, 1947.

No. 432)

(H. 793—Johnston, Sullivan, Stone.

## AN ACT

To amend Section 18 of an act "to create and establish in Mobile County, Alabama a county wide Civil Service System" (Local Acts 1939, page 298, approved September 15, 1939).

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Section 18 of an act to create and establish in Mobile County, Alabama, a county wide Civil Service System (Local Acts 1939, page 298, approved September 15, 1939) be and the same is hereby amended so as to read as follows: "Section XVIII. PROVISIONAL APPOINTMENTS: Whenever in the opinion of the Director it is impossible within a reasonable time to certify eligible persons for appointment to a vacancy in the Classified Service, the Appointing Authority may nominate a person for the vacancy to the Director. If such nominee is found by the Director to have had experience and training which appear to qualify him for the position, the Director may authorize the Appointment of such person to such vacancy only until an appropriate eligible Register can be established and Appointment made therefrom.

Section 2. All laws and parts of laws in conflict with the provisions of this act shall be and the same are hereby repealed.

Section 3. This act shall take effect immediately upon its passage by the Legislature and approval by the Governor or upon its otherwise becoming law.

Approved September 25, 1947.

No. 434)

(H. 800—Haynes (Franklin)

## AN ACT

To prescribe the method of selecting commissioners for the Court of County Revenue for Franklin County and to fix their terms of office.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Before the general election in November, 1948, and every four years thereafter, the qualified electors of districts 1, 2, 3 and 4 in Franklin County, separately by districts, shall nominate, by caucus, petition, mass meeting, convention, other assembly, or primary election, candidates to be voted on at the general election for commissioner of revenue of Franklin County. At the general election the electors of the entire county shall elect one member of the Court of County Revenues from each commissioner's district for which candidates are nominated as provided by this Section. Each commissioner must be an elector and resident of the district for which he is elected.

Section 2. This Act shall not become effective unless a majority of the qualified electors voting in an election to be held in Franklin

County on the date of the next general election shall vote to adopt the provisions of this Act. On the ballot to be used at the election, the question shall be: "Do you favor the adoption of the provisions of Act. No. \_\_\_\_\_ (H. 800 by Haynes), approved \_\_\_\_\_, 1947?" Only qualified electors of Franklin County shall be entitled to vote at such election, notice of which shall be given by the probate judge not less than ten days before the election is to be held. If a majority of the votes cast at such election shall be in favor of the proposal, the provisions of this Act shall become effective immediately, but if a majority shall oppose the proposal, the Act shall have no effect.

Approved September 25, 1947.

No. 437)

(H. 855—Barnett and Rogers

### AN ACT

To provide authority for the government and control by civil service regulations of the Police and Fire Departments in Florence, Alabama; to provide for a civil service board in said City and to fix its duties, authorities, powers and compensation.

#### *Be It Enacted by the Legislature of Alabama:*

1. Police and Fire Departments under civil service: The Board of Commissioners of the City of Florence is authorized and empowered at any time subsequent to the enactment of this statute to put into force and effect an ordinance or ordinances governing the Police and Fire Departments of said City as provided in the act; but this act shall have no effect excepting as an authority for the City of Florence to take such action. The Police Department and the Fire Department and all officers and members of said Departments, in Florence, Alabama, including the chiefs of said Departments, shall be governed by civil service regulations under the direction and supervision of a board as hereinafter provided, and all persons who may hereafter be elected or appointed as officers or members of such Departments, or either of them, or who may hereafter be employed in either of said Departments as members thereof, shall thereafter remain and continue in their respective employments of said City during good behavior, efficiency, and obedience to such reasonable rules and regulations as may, from time to time, be prescribed by the civil service board, which is herein provided for, and as is hereafter provided. Nothing herein contained shall be construed to prevent or preclude the removal of any officer or member of either of said Departments by the civil service board in the manner hereafter prescribed.

2. Definitions: With reference to the Police Department the following definition shall apply as used herein: The word "patrolman" as used herein shall mean and apply to all motorcycle officers, drivers of automobiles used by the Police Department, and all

other members of the Police Department below the grade of sergeant but shall not include detectives. The word "officer" as used herein shall mean and apply to all members of the Police Department of the grade of sergeant, detective, captain, assistant chief or police and chief of police. The words "members of the Police Department" shall mean and include all officers, patrolmen, and detectives, and wardens, if detailed to warden's duty from the ranks of patrolman or officers. With reference to the Fire Department the following definitions shall apply as used herein: The words "members of the Fire Department," as used herein shall mean and include the chief of the Fire Department, assistant chiefs of the Fire Department, captains, lieutenants, engineers, assistant engineers, and firemen and all others who are regularly carried on the pay roll of such Fire Departments except hostlers and helpers; and in addition to those specifically named hereinbefore as members of said Departments, such others as such board may find and designate to properly be such members, respectively.

3. Selection of board: In each year the Board of Commissioners of the City of Florence, Alabama, shall appoint one person as the successor to the member of said civil service board whose term shall expire that year. Such person so appointed shall hold office for a term of three years from and including the first Tuesday after the first Monday of April of said year and until his successor shall be appointed and qualify for office. Appointments to fill vacancies on said board shall be for the unexpired term. Any member of said board whose term shall expire shall be eligible to reappointment. Two members of said board shall constitute a quorum. No person shall be eligible to be a member of said civil service board who shall not, at the time of his appointment, be over twenty-five years of age and an actual resident in and a qualified voter of such City. No person shall be eligible to be a member of said board who holds any office of profit under the City, County, or State.

4. Board to make rules and regulations: The civil service board shall make rules and regulations to carry out the purpose of this article, and for examinations, appointments and removals in accordance with its provisions and the board may, from time to time, make changes in the existing rules. The chief of police and the chief of the Fire Department shall, from the membership of their respective Departments, recommend for promotion such person or persons as the occasion may call for to fill any vacancy or vacancies that may occur in said respective departments, and all such vacancies shall be filled and all such promotions shall be made by the civil service board. The board may make rules and regulations relating to the eligibility for promotion. The chief of the Police Department and the chief of the Fire Department shall have authority in their respective Departments to de-

mote any member of the respective Departments by and with the consent and approval of the civil service board, provided however, that upon written demand filed with the civil service board within five days from the date of the order of demotion the person whom it is proposed to demote shall be given a public hearing by the civil service board before any order of demotion shall be final. The chief of the Police Department and the chief of the Fire Department shall have authority to suspend any member of their respective Departments pending the hearing by the civil service board. In the event any vacancy shall occur in the office of chief of the Police Department or chief of the Fire Department such vacancy shall be filled by the civil service board. In the event there is a reduction in the number of firemen or policemen employed by such City, the man last employed shall be the first to be dropped, and so on in succession; provided that the number of patrolmen in the Police Department who are qualified as motorcycle patrolmen shall not thereby be reduced below the number which may from time to time be determined by the Board of Commissioners of such City as needed for motorcycle patrolmen; provided, further, that the number of men in the Fire Department who are qualified as mechanics shall not thereby be reduced below the number which may from time to time be determined by the Board of Commissioners of such City as needed for mechanics in said Department. The civil service board may at any time, upon the request of the governing authority of the City of Florence, shown by resolution, discharge from his employment the Chief of Police and the Chief of the Fire Department or any number of either the Police or Fire Departments.

5. Application: All applicants for a place or position on the Police Force or Fire Department, as the case may be, shall file their application in writing with the civil service board, said applications to be on the blank forms furnished by the board, and all applicants must be subject to examination, which shall be public, competitive, and open to all citizens of the United States, with specified limitations as to age, residence, health, habits, and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to intelligently discharge the duties of the position to which they aspire.

6. Examinations: The Board shall control all examinations, and whenever an examination is to take place, shall conduct such examination. Every applicant for examination shall pay to the City Clerk the sum of one dollar and fifty cents, and the receipt therefor shall be attached to his application.

7. Appointment: The Chief of Police, as far as such Police Department be concerned, and the Chief of the Fire Department,



as far as such Fire Department be concerned shall notify the civil service board of vacancies in the ranks of patrolmen or firemen, respectively, and the board shall furnish the respective chiefs with the name and address, or names and addresses, of the candidate or candidates standing highest on the eligible list, and same shall receive the appointment or appointments to fill such vacancy or vacancies. All appointments shall be on probation for a period of six months from date of appointment. Before the expiration of the period of probation, the chiefs of Fire and Police Departments, respectively, may, by and with the consent of the board, discharge any probationer in his respective Department upon assigning in writing his reasons therefor to the board. If a probationer be not discharged before the expiration of his probation, his appointment shall be deemed complete.

8. Emergency appointments: The civil service board may, in an emergency, or in cases where it deems proper, authorize the chief of police to appoint for temporary service such number of police officers as in the opinion of the Board of Commissioners of such City the existing conditions demand. All officers so appointed shall be furnished with badges, said badge to be different in size and design from the regulation badges used by the regular members of the police and detective force, and must have the words "special officer" across the face of them in large letters. The chief of police shall furnish the board with the names and addresses of all persons to whom he has issued special badges, and at the expiration of their appointment shall cause all such badges to be taken up. It shall be unlawful for any person to have in his possession any such commission or any badge of a police officer of such City unless same has been issued to him by the civil service board.

9. Violations: It shall be a violation of the provisions of this article for any official, officer or other person to issue, give or lend one of the regulation police or detective badges to any person other than a regularly employed police officer or detective of the City.

10. Election of chairman: The civil service board shall elect one of their members as chairman who shall hold office as such chairman at the pleasure of the board. The civil service board shall hold regular meetings on the third Mondays in January, April, July and October for the transaction of business and may hold special, adjourned or call meetings at any time. All meetings of the board shall be held in the City Hall unless otherwise provided by said board.

11. Minutes to be kept: The civil service board shall keep minutes of their meetings and records of all business transacted by them at each and every meeting. All such minutes and records shall be open for inspection at all times by the chief of police, chief of the fire department, and any member of City Commis-

sion or other governing body of such City in which same may exist.

12. Compensation: The compensation of the civil service board shall be ten dollars for each member for each meeting attended, not to exceed for each member one hundred dollars per annum. The president and Board of City Commissioners, or other governing body of such City shall provide for the salaries and expenses of the civil service board, and shall provide in the annual budget of all Cities coming within the provisions of this article an estimated appropriation sufficient to cover the salaries and expenses of such board.

13. Political recommendations: No recommendation by any officer or official, whether said officer or official be a City, County, State or National Officer or Official, shall be considered by any person concerned in any examination or appointment under this article, except as to the general moral character of the applicant.

14. Violations: Any person in the service of the City by appointment under civil service rules who shall wilfully, or through culpable negligence, violate any of the provisions of this article, and who shall be found guilty after a trial before the civil service board shall be dismissed from the service of the City, and shall not be subject to reappointment for two years. Any officer or employee of the City other than those holding office under the civil service rules, who shall wilfully or through culpable negligence, violate any of the provisions of this article, shall be guilty of a misdemeanor, and on conviction shall be fined in a sum not less than fifty dollars, nor more than five hundred dollars, unless same be otherwise provided therein, and the office so held by such person, by force of such conviction, shall be rendered vacant, and such person shall not again be allowed to hold any office or place of employment under the City thereafter for two years. Any other person who shall wilfully, or through culpable negligence violate any of the provisions of this article shall be guilty of a misdemeanor, and shall on conviction be punished by a fine in the sum of not less than fifty dollars and not exceeding five hundred dollars.

15. Application to present members: Every member of the Police Department and every member of the Fire Department in all cities coming within the provisions of this article, who was such member on the day upon which this Code goes into effect shall retain his position without examination, and be subject to all the conditions and benefits of this subdivision.

16. Ineligibles: No person shall be eligible to take the civil service examination or to appointment as a member of either the Police or Fire Departments in cities coming within the provisions of this article who is not a citizen of the United States or who has ever been convicted of a felony, or who does not possess a good moral character.

Approved September 25, 1947.

No. 438)

(H. 856—Barnett and Rogers

## AN ACT

To authorize the City of Florence, Alabama, to establish a City Employees Retirement Fund and to provide for such fund and its sources, management, and administration; to provide for a board of trustees for such fund and their duties, power, and authority; to provide for the retirement and/or reinstatement of active or retired members of such departments and payment of benefits provided for; to provide for payment of said trustees; to provide for appeals from rulings of the Board of Trustees.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The City of Florence, Alabama, is authorized to enact and enforce ordinances for all purposes and along the lines herein specified. In connection with the organized departments and paid employees of the City of Florence a board of trustees of a City employees retirement fund may be appointed; and a fund may be created for the benefit of the persons herein named to be raised as herein provided.

Section 2. The City board of trustees shall be composed of that member of the governing body of the City of Florence who has supervision over the police and fire departments of said City and who shall be Chairman of said Board of Trustees; and the other members of the City board shall be the head of the police department and the head of the fire department of the said City; and all of the said trustees shall serve without compensation.

Section 3. Said board of trustees, with the approval of the governing body of each of such cities, shall have the power and authority to appoint a secretary-treasurer of said board who shall serve at the pleasure of said board and who shall receive as compensation for his services not to exceed the sum of twenty-five dollars per month and to be paid on the first day of each month by warrant drawn in like manner as other warrants on such fund. Said secretary-treasurer of said board of trustees is hereby made, and it shall be his duty to be, the custodian of all moneys belonging to the City employee's retirement fund, and all moneys belonging to such fund, and all moneys or other property belonging to any similar fund now being maintained in such cities shall be promptly paid to him. The said secretary-treasurer shall also be custodian of all securities and things of value belonging to such fund. Said secretary-treasurer shall before taking office, make bond in a sum to be fixed from time to time by resolutions of the governing body of any such city, to be approved by the chairman of said board of trustees in such amount as said board of trustees shall require in a surety company authorized to do business in Alabama for the faithful performance of the duties imposed upon him under this subdivision, and for the faithful accounting for all moneys, securities, and things of value which may come into his hand as such treasurer of such fund, and he shall keep a separate account thereof, which

shall at all times show the true condition of such fund. Upon the resignation or removal from office of such secretary-treasurer he shall surrender and deliver up to his successor all bonds, securities, and all unexpended moneys or other properties which may have come into his hands as treasurer of such fund. It shall be the duty of the secretary-treasurer of said board to keep in a book provided for that purpose, a full and complete record of all proceedings of the board of trustees, and he shall perform such other duties as may be assigned to him by the board of trustees.

Section 4. The said board of trustees of the City employee's retirement fund is hereby declared to be the trustee of said City employee's retirement fund and shall have the exclusive management and control thereof, and all matters legitimately connected with; and said board of trustees shall have the power to adopt and enforce such rules and regulations as may be necessary to enable it to effectively and properly carry into execution the purposes for which it was organized, and to enable it to properly manage and conduct the business and affairs entrusted to it, provided such rules and regulations shall in no wise contravene the provisions of this subdivision, but shall be in conformity thereto. The board of trustees shall hear and decide all applications for pensions or relief under this subdivision and its decisions shall be final except for an appeal as hereinafter provided. The said board of trustees shall meet whenever the chairman of said board of trustees shall call a meeting of the same.

Section 5. The said City employee's retirement fund shall consist of the following, namely: (a) All of the money, securities and things of value belonging to any similar fund now being maintained in each of such cities; (b) of all moneys or properties that may be given or donated to said fund by any person, firm, association or corporation for the uses and purposes for which said fund is created; and, said board may take by gift, grant, devise or bequest any money, personal property, real estate or any interest therein or any right of property, for the benefit of said fund; (c) two per cent of the monthly salaries of each member of such City employee fund, which shall be paid by the city clerk of such cities to the secretary-treasurer of said board of trustees on the first day of each month and two per cent of such salaries deducted from said salaries paid such member; (d) all the proceeds of public entertainment held by members of the fire department or members of the police department or said employees.

Section 6. The board of trustees of the City employee's retirement fund, may at any time, with the approval of the governing body of each of such cities after considering the probable demands upon such fund in the near future, determine what portion of such fund may be safely withdrawn for investment for revenue purposes, and having determined what portion thereof shall be so withdrawn for that purpose, said board of trustees shall then determine in what manner such investment shall be made, and all proceedings of said board

of trustees relating thereto shall be entered at length upon its records. Such investment shall only be by purchase of the interest bearing bonds of the United States of America, or the State of Alabama, or any bonds lawfully issued by such city, or in any bond, stock, security, investment, or deposit which is guaranteed by the United States government or any of its instrumentalities, provided not over twenty-five per cent of such fund may be invested in the bonds of any such city. All income from such investments shall be and become a part of said City employee's retirement fund. All such securities shall be deposited with the secretary-treasurer of said board of trustees, and shall be subject to the management and control of said board of trustees of the City employee's retirement fund, and said Board of Trustees shall be authorized at their discretion to make insurance contracts or invest funds in the same to carry out the general purposes of this act.

Section 7. The said board of trustees of the City employee's retirement fund shall make a monthly report to the board of commissioners or other governing body of each of such cities of the condition of such City employee's retirement fund; and shall cause an annual report to be published during the first week of January of each year in a newspaper published in such city and of general circulation therein.

Section 8. All moneys ordered to be paid from such City employee's retirement fund shall be paid by the secretary-treasurer of such fund only upon warrants signed by the chairman of such board of trustees and countersigned by one associate member of such board of trustees and by the secretary-treasurer; and no warrant shall be drawn on such fund except by order of the said board of trustees, which shall be duly and regularly entered in the record of the proceedings of the said board of trustees.

Section 9. No portion of the said City employee's retirement fund shall, before or after its order for distribution by the said board of trustees to the person or persons entitled thereto, be held, seized, taken, subjected to, detained, or levied upon, by virtue of any attachment, garnishment, execution, injunction, writ, order, decree or any other process whatsoever, issued out of or by any court of this state, for the payment or satisfaction, in whole or in part, of any debt, damage, demand, claim, judgment or decree, against any beneficiary of such fund; but shall be exempt therefrom that said fund shall be sacredly kept, held and distributed for the purposes named, and for no other purpose whatsoever.

Section 10. If at any time there shall not be sufficient money in such City employee's retirement fund to pay each person entitled to the benefit thereof the full amount per month as herein provided, then an equal percentage of such monthly payment or payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of the said beneficiaries.

Section 11. Any department member or any employee who is a member of said fund may be retired when he has attained the age of sixty-five years and when he has been in service for twenty years. No employee may be retired until ordinances under this law have been in effect for as much as two years.

Section 12. Said board of trustees shall have the power and authority and it is hereby made mandatory that it shall retire from service of the City any member thereof upon attaining the age of sixty-five years without regard to the length of service of such member; and upon such retirement, the said board of trustees shall direct the payment to such retired member, monthly, from such fund, the amount hereinafter provided for his particular position, office, salary, or class of work. Provided that the mandatory feature of this section shall not, for two years from the enactment of an ordinance hereunder, apply to the present members of the City employees.

Section 13. If any member of such City employee fund become or be found to be physically or mentally permanently disabled for service in said department so as to render his retirement from such service necessary, said board of trustees shall retire such disabled member from service in such department and upon such retirement, said board of trustees shall order the payment to such disabled member, monthly, from such fund, the amount hereinafter provided for his particular position, office, salary, or class of work. If such retirement shall become within the first five years of the employment of the given employee, he shall be paid one-fifths of a full retirement amount; in the second five years he shall be paid two-fifths of a full retirement amount; and in the third five years, three-fifths of a full retirement amount; and in the fourth five years four-fifths of a full retirement amount, and thereafter a full retirement amount.

Section 14. All retirement pay provided for is and shall be fixed as stated in the following table of pensions, unless the pay is otherwise provided, namely; All employees of a class up to and including those of the first class shall upon retirement as provided herein, receive sixty dollars per month each. All higher salaried members, upon retirement as provided herein, shall receive sixty dollars per month each plus ten per cent of the amount of the difference between their respective salaries and the salary of a first class employee. Provided that no pensioner shall receive more than seventy-five dollars per month.

Section 15. After any member of such City employees shall be retired upon pension by reason of disability, the said board of trustees shall have the right, at any time, to cause such retired member to be brought before it and examined by the city physician or other competent physicians or surgeons, to be selected by it, and also to examine other witnesses for the purpose of discovering whether such disability yet continues, and whether such retired member should be continued on the pension roll, but such retired member shall remain upon the pension roll until reinstated in the active service of such City

employ. Such retired member shall be entitled to notice, and to be present at the hearing of any such evidence, shall be permitted to propound any questions pertinent or relevant to such matter, and shall also have the right to introduce upon his own behalf any competent evidence he may see fit. All witnesses so produced shall be examined under oath; and any member of such board of trustees is hereby authorized and empowered to administer such oath to such witnesses.

Section 16. If any employee of the City is discharged from or for any reason leaves the employment before he becomes entitled to any of the benefits provided for, he shall forfeit all right to such benefits and to any moneys that may have been paid into said fund by or for him.

Section 17. To be entitled to benefits hereunder a City employee or the widow, child, or widowed mother of such employee shall be required to be a bona fide resident of the county in which such cities are located and upon such person ceasing to be such bona fide resident of such county all benefits to him shall cease.

Section 18. There shall be kept by the secretary-treasurer of the board of trustees a book to be known as the list of retired City employees. Such books shall also give a full and complete history and record of the action of the said Board of Trustees in retiring any and all persons hereunder, showing the names, date of entering the service of such department, date of retirement, and the reason for such retirement, if any.

Section 19. Said board of trustees shall be authorized to pay out of such fund all reasonable and necessary expenses including costs of bond herein provided for that may be incurred by it in and about the performance of its duties and in and about the management and administration of such fund; provided that in no event shall the members of said board of trustees receive any salary or compensation for their services out of said fund.

Section 20. Within ten days after any final decision of the Board of trustees any party may appeal from the decision of such Board to the Board of Commissioners of the City of Florence, or their governing body. The hearing shall be de novo and the decision of the board shall be final.

Approved September 25, 1947.

No. 442)

(H. 842—Dobbs (Fayette)).

#### AN ACT

To prescribe the duties of the County Superintendent of Education of Fayette County, Alabama; to provide compensation for the performance of such duties; and to authorize travel and expenses pertinent to the duties of said Superintendent.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The County Superintendent of Education of Fayette County, Alabama, in addition to the duties imposed under

the general laws of Alabama, shall begin immediately to administer the Veteran's Training Program of Fayette County, and also begin immediately to administer and direct the school lunch program of such county.

Section 2. The County Superintendent of Education of Fayette County, at the direction of the County Board of Education, shall attend all educational functions and meetings within and without Fayette County, Alabama, which, in the judgment of said Board, are designed to advance and promote the program of education in Fayette County or will train and better qualify said Superintendent to administer and perform the duties of his office.

Section 3. For the performance of the extra, new and additional duties hereby imposed on him, the County Board of Education may increase the salary of said Superintendent for his present term of office, in a sum not to exceed \$1,200 per year, which sum shall be in addition to the maximum now authorized by law to be fixed as the salary of said Superintendent. After the expiration of the present term of said office, the County Board of Education shall fix the salary of said Superintendent in an amount not less than \$4,000, nor more than \$4,800 per year. Such salary for succeeding terms shall be fixed by the County Board of Education prior to the beginning of the term.

Section 4. In addition to the salary fixed herein, said Board shall pay the reasonable travel and subsistence expenses, not to exceed \$1200.00 per year, beginning July 1st of each year, which the Superintendent hereafter incurs in the performance of the duties of his office and in attending educational functions and meetings in and outside of Fayette County as authorized herein. This reimbursement also applies to expense incurred in the regular performance of the duties imposed on a Superintendent under the general laws of Alabama as well as for the performance of the new duties imposed hereunder. The sum of \$1200.00 mentioned in this section shall not be in addition to that allowed under the general laws of Alabama for the payment of expenses, but shall include such sum.

Section 5. That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby expressly, repealed.

Section 6. That this Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 25, 1947.



No. 443)

(H. 845—Dumas, Beatty, Gibson,  
Adams (Jefferson)

## AN ACT

To Amend Section 597, Title 62, Code of Alabama 1940, pertaining to publication of lists of persons drawing salaries.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Section 597, Title 62, Code of Alabama 1940, be and the same is hereby amended to read as follows: Section 597. PUBLICATION OF LISTS OF PERSONS DRAWING SALARIES.—All such cities and towns shall on the 1st day of April of each year cause to be published in a daily newspaper, published in Jefferson County, a list of all persons whose compensation or any part thereof, is paid out of the treasury of such city or town together with the amount thereof, and that the expense of said publication shall be paid by such city or town. Violation of the terms of this section shall subject the city or town official or officials guilty of failing to so publish statement herein required to impeachment.

Section 2. This act shall become effective upon its passage.

Approved September 25, 1947.

No. 444)

(H. 857—Cox

## AN ACT

To alter the corporate limits of the town of Maplesville, Chilton County, Alabama, and to rearrange and define the boundaries thereof.

*Be It Enacted by the Legislature of Alabama:*

Section I. That hereafter the corporate limits of the Town of Maplesville, Chilton County, Alabama, shall be, as follows: Commencing at the Northwest corner of the Southwest quarter of the Southwest quarter of Section 16, Township 21, Range 12, in Chilton County, Alabama, and run thence East to the West bank of Mulberry Creek; thence run in a Southerly direction on and along the West bank of said Mulberry Creek following the meanderings thereof to the point where said West bank of Mulberry Creek intersects the South boundary line of Section 21, Township 21, Range 12; thence run West to the Southwest corner of Section 21, Township 21, Range 12; thence run North to the point of beginning, in Chilton County, Alabama, it being the intention hereof to describe and embrace all of the land in the South half of the South half of Section 16, Township 21, Range 12, and all of the land in Section 21, Township 21, Range 12, lying West of Mulberry Creek. All of the territory embraced within the above described boundaries shall be included within the corporate limits of said town.

Section II. That this act shall take effect immediately upon its passage and approval.

Approved September 25, 1947.

No. 445)

(H. 858—Taylor (Autauga).

## AN ACT

To establish a Court of Common Pleas for Autauga County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensations; to provide that said Court shall be open at all times for the trial of Cases and transactions of business; to provide the rules and procedure of said Court; to provide a fine and forfeiture fund for said Court; and to abolish the Civil and Criminal Court of Autauga County, Alabama, and the County Court of Autauga County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That there is hereby created and established in Autauga County, Alabama an inferior court to be known as and called the Court of Common Pleas of Autauga County, which said Court shall have and exercise civil and criminal jurisdiction as hereinafter provided.

Section 2. That the said Court of Common Pleas shall be held at the Court House of Autauga County, and shall be open at all times for the trial of cases and the transaction of business. That said Court shall have original civil jurisdiction in all civil matters of which justices of the peace of Autauga County have jurisdiction under the general laws of the State of Alabama, concurrently with the several justices of the peace in said County; and in addition thereto, the said court shall have jurisdiction, concurrently with the Circuit Court of Autauga County, Alabama, of all matters, suits and actions at law which are in amount more than the jurisdiction of the justices of the peace, and less than the sum of \$1000.01, and when the value of the property sued for in a suit in detinue is less than \$1000.01, provided, however, that the said court shall not have and exercise civil jurisdiction of actions of libel, slander, assault and battery or ejectment or actions in the nature of ejectment; and the said court shall have original jurisdiction, concurrent with the Circuit Court of Autauga County, Alabama, of all misdemeanors committed in Autauga County, Alabama; and it shall have preliminary jurisdiction of all felonies, concurrent with the several justices of the peace of said County, and in addition thereto, said Court shall have and exercise original and exclusive jurisdiction in all juvenile and non-support cases arising in said County under Titles 13 and 34 of the Code of Alabama of 1940 and amendments and additions thereto, and shall have all of the powers therein conferred on the Probate Courts. Affidavits may be taken and warrants issued by justices of the peace in the respective precincts of the said County where such justices of the peace have jurisdiction to issue such warrants returnable to the said court hereby created. The jurisdiction, both civil and criminal, of the said Court of Common Pleas of Autauga County as hereinabove provided, shall be coextensive with the County.

Section 3. The judge of said court shall have been a resident of Autauga County for at least five years and a qualified elector thereof at the time of his election or appointment and shall reside in said county during his continuance in office. He shall be at least thirty-five years of age, shall be learned in the law and duly licensed to practice law in this State, and shall not during his term of office act as attorney in any case or matter that has previously been in or is in this court, but may practice in all other matters and all other courts. This Act shall become a law and be in full force and effect immediately upon its passage and approval or its otherwise becoming a law, but it shall not affect the term of office of the present Judge of the Civil and Criminal Court of Autauga County, or his successor in office, and he, or his successor shall be the Judge of the Court created by this Act, and the said present Judge of the said Civil and Criminal Court of Autauga County or his successor in office shall hold office as Judge of the Court created and established herein until the first Monday after the second Tuesday in January, 1949, and until his successor is elected and qualified as now required by law, or as provided in this Act, and shall perform the duties, and receive the compensations as herein provided for the Judge of this Court.

Section 4. That the term of office of the Judge of this Court, who shall be elected by the qualified electors of Autauga County, Alabama, at the general election for the State and County officers in the year 1948, shall be for six years from the first Monday after the second Tuesday in January, 1949, and every six years thereafter and until his successor is elected or appointed and qualified. Upon the passage and approval of this Act, or its otherwise becoming a law, the Governor shall issue commission to the person who is Judge of the Civil and Criminal Court of Autauga County, at the time this Act become a law, as Judge of the Court of Common Pleas of Autauga County, as herein provided; and after the election of the Judge of this Court as herein provided the Governor shall likewise issue to him a commission, as such Judge. Before entering upon the duties of his office, the Judge of this Court shall take the oath of office in the form required **by law to be taken by Judges of the Circuit Court of this State** and he shall be removed from office for the same causes and in the same manner as is now or may be hereafter provided for removal of Circuit Judges; and shall give bond in such penal sum as may be prescribed by the Board of Revenue or Commissioners Court of Autauga County, Alabama, payable and conditioned as are official bonds required of County officials, to be taken and approved by the Judge of Probate of Autauga County, and recorded in the Probate Office of Autauga County, Alabama, and upon said bond there shall be the same liabilities and remedies as upon bonds of other County officials. The premium on said bond

shall be paid out of the general fund of Autauga County. In the event of the vacancy caused by the resignation, removal or death of said Judge, or for other causes, the Governor shall fill the same by appointment and the person so appointed shall hold office as provided for in Section 158 of the Constitution of this State. In case the Judge of said Court shall be unable at any time to discharge the duties of his office by reason of sickness, disqualifications or other causes, the Judge shall make or cause to be made by the Clerk thereof, an order, when the facts warrant it, setting forth the reasons of his inability to sit in said Court and the said order shall be filed in this Court. Thereupon the Clerk of this Court shall designate and appoint in writing, which appointment shall be filed in this Court, some practicing attorney of the County who is learned in the law, as Special Judge thereof, and the person so designated and appointed shall perform all of the duties and exercise all of the powers and authority of the Judge of this Court, and shall hold said office until the regular Judge thereof shall resume his duties; the said Special Judge shall receive for his compensation Five Dollars, (\$5.00) for each day he serves as such Judge of this Court payable in the same manner and from the same funds as the compensation of the regular Judge is paid. The regular Judge of this Court shall have authority to administer oaths and take acknowledgements and affidavits in all cases, and to solemnize marriages the same as circuit Judges of this State, and shall have power to issue search warrants, writs of habeas corpus, prohibition, certiorari, quo warranto, and all other special and extraordinary writs.

Section 5. The Judge of this Court shall receive a salary not less than Eighteen Hundred Dollars (\$1800.00) nor more than Twenty Four Hundred Dollars (\$2400.00) per annum. Said salary shall be determined by the Board of Revenue or Commissioners Court of Autauga County, Alabama, payable in equal monthly installments out of the general fund of Autauga County, Alabama, upon the warrant of the Probate Judge of Autauga County, Alabama, which he is hereby authorized and directed to issue monthly, and which warrants shall be a preferred claim against said general fund.

Section 6. The Judge of said Court shall adopt a seal for said Court which shall be kept in the custody and control of the Clerk of said Court.

Section 7. That the deputy Solicitor or County Solicitor for Autauga County shall prosecute for the State all criminal cases in said Court created by this Act.

Section 8. The Sheriff of Autauga County shall, in person, or by deputy, be required to attend upon said Court, to preserve order and execute all writs or process issued therefrom and to perform such other duties in all respects as he is required by law to perform in the Circuit Court of Autauga County; and for

such services of attending said Court the Sheriff shall receive the sum of Three Dollars per day payable out of the general fund; and for all services rendered by him, other than attendance upon the Court hereinabove provided for, he shall receive the same costs and fees as are allowed by law for similar services performed and done in the Circuit Courts.

Section 9. The Clerk of the Court of Autauga County, Alabama, shall act and be Clerk of the Court of Common Pleas of Autauga County. The Clerk of said Court, before entering upon the duties of his office, shall give bond in such penal sum as may be prescribed by the Court of County Commissioners or Board of Revenue of Autauga County, Alabama, payable and conditioned as are official bonds required by Clerks of the Circuit Court, to be taken and approved by the members of the Board of Revenue or Commissioners Court of Autauga County, Alabama. Said bond shall be recorded in the office of the Judge of Probate of Autauga County, Alabama. Upon such bonds there shall be the same liabilities and remedies as upon bonds of the Clerks of the Circuit Court of the State. The premium of said bond shall be paid out of the general fund of Autauga County, Alabama.

Section 10. The Clerk of the said Court shall issue and sign all summonses, subpoenas, writs, executions, and other processes under the authority of this Court; keep and file the books and dockets and papers in relation to, and the records of all suits which have been determined in this Court, and to issue all writs of execution, scire facias, writs of error, or other process of the judgment of the Court; keep all papers, books, dockets, and records belonging to this office with care and security; the papers filed and arranged, numbered and labeled, so as to be of easy references; and to allow parties to inspect the records free of charge. He shall attend Court during the sessions thereof, with all papers belonging to the session, so filed as to be of easy reference; keep direct and reverse indices of all record books in this office, which must always be in good and substantial books, but he is not required to prepare any new indices where those already in the office are sufficient; and to perform any other duties which are now or later required by the law of the Clerk to perform. The Clerk of said Court shall keep a docket of all civil cases in which must be entered all civil actions brought in said Court, the names of the parties, the character of the action, the name of the attorney by whom brought, and the Sheriff's return, and in which must be entered all judgments and orders of the Judge of said Court. The Clerk shall also keep a criminal docket in which must be entered all criminal cases in their order, showing the nature of the offense, the return of the Sheriff, the amount of the bail, and the orders and judgments showing the disposition of all cases. The Clerk shall keep in said dockets, both civil and criminal, the names of all witnesses subpoenaed, the date of such subpoena and

the Sheriff's return thereon. The Clerk shall show on said dockets every execution that has been issued and the date thereof, the amount of the cost, and all other matters that may be necessary to keep a complete record of all proceedings had in said Court. All the records and files of said Court shall be open to the public for inspection free of charge. The Board of Revenue or Commissioners Court of Autauga County, Alabama, shall furnish the Clerk with all necessary stationery, books, office furniture, equipment, typewriter, telephone, postage and any other office supplies or equipment which might be needed to carry on the work of the Court.

Section 11. The Clerk shall receive the same fees, commissions and costs as are now or hereafter allowed by law to the Clerks of the Circuit Courts of this State, also he shall receive, as ex-officio fees, for ex-officio duties performed as Clerk of the Court of Common Pleas of Autauga County, the same amount which he is paid in the Circuit Court of Autauga County. This fee shall be governed by Title 11, Paragraph 24, Code of 1940, as amended. Said sum shall be paid in Twelve monthly payments payable out of the general fund of Autauga County, Alabama.

Section 12. There shall be taxed in each criminal case a solicitor's fee in the amount as is now provided for solicitor's Fees in the Circuit Courts of this State and when so taxed and collected by the Clerk, shall be paid to County Treasurer in the same manner as remittances are made in the Circuit Court. There shall be no Solicitor's Fee taxed when the defendant pleads guilty to any offense which is under the jurisdiction of the Justice of the Peace of this State, or any highway case or violation under the game and fish laws. All cases which are tried will be taxed with the solicitor's fee as specified in the Code of Alabama, 1940, Title 11, Paragraph 85. Witnesses shall be entitled to the same fees and mileage as are now allowed by law for witnesses in the Circuit Court of said County, and shall be paid from the fine and forfeiture fund of said County. For each case placed on the docket of this Court there shall be taxed as part of the cost a trial tax in the amount of Three (\$3.00) Dollars; and such tax shall be collected as part of the cost in each case and the Clerk of the Court shall remit such amount so collected to the County Treasurer each month. The Clerk shall be paid the same commission for collecting and remitting this tax as is allowed in the Circuit Court. It shall be the duty of the Clerk of the Court to tax and collect in each Civil and criminal case, the same costs and fees for services of the Clerk, the Solicitor, the Sheriff, and the witnesses as are now, or hereafter, allowed by law to be taxed, charged and collected in the Circuit Courts of this State, except as otherwise provided herein, which he shall disburse as provided in the Circuit Courts of Alabama. That all fines, forfeitures and fees collected by the Clerk of this Court shall be paid

by him to the County Treasurer, in the same manner as in the Circuit Court of Autauga County. The same laws governing payment of fines and forfeitures of the Circuit Courts of this State shall prevail in this Court, that is to say, the laws as set forth in Title 15, Paragraphs 392 through Paragraph 397, Code of Alabama 1940, except as otherwise herein provided. The County Treasurer of Autauga County is hereby authorized, at any time, to transfer from the Fine and Forfeiture fund to the General Fund of Autauga County, such amount which shall be in excess of an amount sufficient to pay all registered and outstanding claims against said fund and an additional sum of Three Thousand (\$3,000.00) Dollars.

Section 13. The Sheriff and the Clerk of said Court shall, in all cases in which the defendant is found not guilty, or the case nol prossed, or prosecution withdrawn, receive their fees out of the fine and forfeiture fund of Autauga County, Alabama. In Bastardy, Juvenile, Nonsupport and peace proceeding cases, the Sheriff and Clerk shall be paid their fees and costs out of the Fine and Forfeiture Fund of Autauga County. And in any case where the fees for the Clerk and Sheriff are not specifically provided for, said fees shall be paid out of the Fine and Forfeiture Fund of Autauga County.

Section 14. The Clerk of this Court shall issue certificates of judgments of said Court, in the same form as is now provided by law for the issuance of certificates of judgments from the Circuit Courts, for which he shall be allowed the same fees as are now allowed in the Circuit Courts. The owner of any judgment rendered by said Court may file in the office of the Judge of Probate of any County in this State such certificate of judgment issued by the Clerk as hereinabove provided, under the same procedure and in the same manner as is now or may hereafter be provided for filing certificates of judgments rendered by the Circuit Courts of this State; and when so filed such judgments shall be a lien in the County where filed on all property of the defendant which is subject to levy and sale under execution. The filing of such certificate of judgment shall be notice to all persons of the existence of the lien thereby created. Such lien shall continue for ten years from date of such judgment and no insolvency proceedings or declaration of insolvency shall affect or impair such lien, except bankruptcy proceedings instituted within four months after the filing of the certificate as provided by law. Execution may be issued at any time within ten years from the date of such judgment, whether execution has been previously issued or not. The lien of such judgment may be revived or renewed for an additional period of ten years in manner as now provided by law pertaining to such cases in the Circuit Courts of this State.

Section 15. That all prosecutions for misdemeanors may be instituted in said court by making affidavit before the Judge or

Solicitor; and that in all preliminary proceedings in the prosecutions for felonies begun in said Court, the same may be instituted by affidavit before the Judge or Solicitors. And when the defendant is arrested on affidavit and warrant charging a misdemeanor the said case shall go to the docket for trial and be tried as though the defendant had been indicted by a Grand Jury, except as hereinafter provided, provided further, that the defendant shall not be put on trial in any cause within five days of his arrest, except with his consent. The Judge of said Court shall have the right and the authority to issue all processes returnable into his court that are not especially provided to be issued by the Clerk of said Court, but he shall not prepare any summons and complaints, garnishments, detinue attachments, papers or other right of processes issuing out of said Court.

Section 16. That all criminal cases in said Court shall be tried by the Judge thereof without a jury, and the accused shall not have the right to demand a trial by jury, but in all trials of criminal cases in said court, the Judge shall determine both the law and facts without the intervention of a jury, and in cases of conviction the defendant shall have the right to appeal to the Circuit Court as provided for in Section 326 of Title 13 of the Code of 1940 except that appeal bonds shall be approved by the Clerk of the Court, and a jury trial may there be had on the demand of the defendant, made at the time of taking the appeal.

Section 17. A party agreed or desiring to bring a charge of misdemeanor before this Court may, upon applying to the Judge or Solicitor for a warrant of arrest and upon making affidavit in writing that he has probable cause for believing and does believe, that an offense (designate the misdemeanor by name, or by some other phrase which in common parlance designates it) has been committed on the person or property, or as the case may be, of A. B. (naming the person injured, or as the case may be), then the Judge or Solicitor of said Court shall examine the affiant under oath, and other witnesses if he so desires, touching the offense charged in the affidavit, and if the Judge or Solicitor has probable cause for believing that the offense alleged in the affidavit has been committed he shall issue his warrant of arrest as hereinabove provided. When there is an objection to the validity or sufficiency of any affidavit, complaint or warrant pending in this Court or when a defect appears in any of same the Solicitor or other person prosecuting for the State, shall have the right to amend any or all the papers to which the objection is directed, or where such defect appears; or the Solicitor may instead of amending the papers, make a brief statement of the cause of complaint signed by him which may be substantially in the form provided in Section 259 of Title 15 of the Code of 1940 and may be amended as herein provided. Thereupon the Court shall proceed to try the case either upon the original papers, or the original as



amended, or upon the statement or statements filed by the Solicitor or other person prosecuting for the State.

Section 18. That all proceedings in said Court as to judgment for fine and costs, confession of judgment and executions thereon, sentence to jail and/or hard labor for fine and costs, and as additional punishment, bail, conditional judgments, forfeitures, judgments, final and alias warrants of arrest, shall be the same in said Court of Common Pleas of Autauga County as are now, or may hereafter be, provided for by law in the Circuit Courts; and conditional judgments may be set aside therein, reduced or made absolute, and the same orders and judgments may be made and taken in such matters as could be made or taken in the Circuit Courts; and the same procedure shall be followed, except as otherwise provided by this Act.

Section 19. The trial of all criminal appeals from this Court in the Circuit Court shall be de novo, and without any indictment or presentment by the Grand Jury; but the Solicitor shall make a brief statement of the cause of complaint signed by him, in substantially the form prescribed by Section 259 of Title 15 of the Code of 1940 or the trial may proceed upon the original affidavit or complaint; on the trial of such appeal the Court shall be governed by the same rules as to evidence, practice, fined of the jury and punishment as if the case had originated in that Court.

Section 20. That all general laws relating to misdemeanors, now in force or that may hereafter be enacted, shall apply to and extend to this Court, unless the contrary be expressly provided or limited by said laws so enacted.

Section 21. That in all civil actions in this Court, the pleadings and process and time for filing pleadings shall conform to and be governed by the statute and rules obtaining in the Circuit Court of Autauga County, Alabama.

Section 22. That in all civil matters in this Court the trial of the same shall in all respects be governed by the same rule of pleading, evidence, procedure and practice as now prevail or govern in the Circuit Courts of this State except as hereinafter provided. Provided that a party litigant after served with statutory interrogatories shall be required to answer the same within thirty days, and upon his failure to do so, shall be subject to the same pains and penalties as is now provided by law for failure to answer interrogatories propounded in the Circuit Court. And provided, further, that any party desiring to appeal from any judgment rendered in this Court, except from judgments for the possession of real estate, may give security for the cost of the appeal in the form of an appeal bond in an amount to be fixed and approved by the Clerk; provided that if the party appealing desires to have the judgment superseded, when the judgment is for the payment of money or for the recovery or possession of personal property he may do so by giving a supersedeas bond with good

and sufficient security or surety in such an amount as herein provided payable to the adverse party and approved by the Clerk with the condition that if he fail in the appeal he will pay such judgment as the Circuit Court may render in the premises and all such cost and damage as any party aggrieved may sustain by reason of the wrongful appeal and suspension of the execution of the judgment, which said appeal bond and security or surety for Court costs and supersedeas bonds be filed with and approved by the Clerk within ten days from the date of the rendition of said judgment; which said supersedeas bond shall be in an amount double the amount of the judgment and costs of Court, if a judgment for the payment of money; and in an amount double the value of the personal property recovered in the suit and Court costs if a judgment for the recovery of or possession of personal property. Provided further that any party desiring to appeal from any judgment rendered in this Court for the possession of real estate may do so and that said appeal shall be governed in all respects, including time allowed within which to make the appeal, amount and condition of appeal bond and all other respects, by the general laws of this State relating to appeals in such cases from judgments of justice of the peace courts. Provided further that notice of all appeals in civil cases from this Court shall be given the adverse party in such manner and for such time as is prescribed by the general laws of this state relating to notice of appeal from judgments rendered in the justice of the peace courts.

Section 23. That all civil cases in this Court shall be tried by the Judge of said Court without the intervention of the jury, the Judge shall determine both the law and the facts, and either party shall have the right to appeal to the Circuit Court as hereinabove provided, and on appeal either party may demand a trial by jury on the trial in said Circuit Court and the trial in said Circuit Court shall be de novo.

Section 24. That final judgments rendered in civil causes in such Court shall after the expiration of ten days from their rendition be taken and deemed to have passed beyond the control of the Courts, as if such term of the Court at which said judgments were rendered had ended, provided, however, that nothing herein contained shall prevent the parties from filing a motion to vacate, set aside or modify such judgment or grant a new trial or rehearing within ten days or change or destroy the office of motion for a new trial or rehearing, when so made. Such motions shall be filed with the Clerk of such Court and called to the attention of the Court and the Court may thereupon hear said motion or make an order continuing such motion shall be heard and determined within thirty days from the date of rendering of said judgment.

Section 25. The Judge of this Court shall have the power to impose fines and sentence to hard labor upon conviction in

misdemeanor cases, and to punish for contempt by fine not to exceed \$50.00 and imprisonment in the County jail not to exceed five days, either or both the same as Judges of the Circuit Courts of the State.

Section 26. That in any prosecution in this Court, if it appears to the Court to be malicious or frivolous, the Court may tax the prosecutor, or the person who made the affidavit with the cost, and when the costs are imposed on the prosecutor, or the person who made the complaint or affidavit, that person shall pay the cost presently, and failing to do so he or she may be imprisoned in the County jail or sentenced to hard labor for the County for not exceeding the time necessary to work out such cost at seventy five cents per day.

Section 27. The Judge of said Court shall keep an office in the Court House of said County, or in such other suitable place in Autauga County as the Court of County Commissioners may provide; and it shall be the duty of the said County Commissioners to provide such office for said Judge, and to furnish and supply the same with necessary fixtures, stationery, stamps, telephone, lights, heat, and other necessary supplies for the Judge of this Court; and it shall be the duty of the said Court of County Commissioners and they are hereby directed and authorized to supply the Clerk of said Court the necessary minute books, dockets, blank forms, record books, and such other books, records and blank forms as are reasonably necessary to the dispatch of the business of this Court.

Section 28. That the Civil and Criminal Court of Autauga County, be and the same is hereby abolished and the County Court of Autauga County be and the same hereby is also abolished.

Section 29. That all causes and cases now pending in the Civil and Criminal Court of Autauga County, Alabama, together with the records, pertaining to such pending cases, be and the same are hereby transferred to the Court of Common Pleas of Autauga County, and the said Court of Common Pleas of Autauga County shall immediately upon the passage and approval of this Act or its otherwise becoming a law assume complete jurisdiction over all of such pending cases, and shall have the same power and control over the same as if they had been originally filed in the Court of Common Pleas of Autauga County, and the Clerk of this Court shall enter on the appropriate dockets of this Court all cases now pending in the Civil and Criminal Court of Autauga County. And all judgments heretofore rendered by the Civil and Criminal Court of Autauga County shall be the same and shall have the same force and effect as if they had been rendered by the Court of Common Pleas of Autauga County, and said Court of Common Pleas of Autauga County, shall have the same power and control over same and shall issue executions thereon and all other appropriate processes thereon

the same and as fully and completely as if such judgments had been originally rendered in the said Court of Common Pleas of Autauga County; all of such executions and other processes issued of judgments heretofore rendered by said Civil and Criminal Court of Autauga County shall be issued by the Clerk of the Court of Common Pleas of Autauga County.

Section 30. That if, for any reason, any section, clause or provision of this Act shall be declared to be invalid, or unconstitutional it shall not be held to affect any other section, clause or provision, but the same shall remain in full force and effect.

Section 31. That all laws and parts of laws, whether local or general or special insofar as they conflict with the provisions of this Act be, and the same are hereby repealed.

Section 32. This Act shall take effect immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 23, 1947.

No. 446)

(H. 859—Merrill

### AN ACT

To allow the members of Cleburne County Board of Education sixteen regular meeting days and pay for not more than sixteen days for each year, payable from the General School Funds of Cleburne County, Alabama.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That the Cleburne County Board of Education shall be permitted to hold sixteen meetings each year, and that said Board of Education shall hold an annual meeting each year on the last Friday in November. At this meeting the Board shall elect each year one of its member to serve as President and one to serve as Vice-President. Other regular meetings shall be held on the last Friday of February, May and September and such special meetings may be held and at such places as duties of the business of the Board may require. That no motion or resolution before the Board shall be declared adopted without concurrence of the majority of whole board.

Section 2. That the members of the County Board of Education shall receive from the public school funds of the County five dollars a day and their actual traveling expenses incurred in attending meetings of the Board and transacting business of the Board. The members of the County Board of Education shall not be allowed pay for more than sixteen days in any one year. And their expenses shall be paid in like manner as provided for the compensation of teachers.

Section 3. That all laws or parts of laws in conflict with the section are hereby expressly repealed and this Act shall be in full force and effect from the date of its approval by the Governor.

Approved September 25, 1947.

No. 447)

(H. 860—Merrill)

## AN ACT

To prescribe the duties of the County Superintendent of Education of Cleburne County, Alabama, to provide compensation for the performance of such duties; and to authorize travel and expenses pertinent to the duties of said Superintendent.

*Be it Enacted by the Legislature of Alabama:*

Section 1: The County Superintendent of Education of Cleburne County, Alabama, in addition to the duties imposed under the general laws of Alabama, shall begin immediately to administer the Veteran's Training Program of Cleburne County, and also begin immediately to administer and direct the school lunch program of such county.

Section 2: The County Superintendent of Education of Cleburne County at the direction of the County Board of Education, shall attend all educational functions and meetings within and without Cleburne County, Alabama, which, in the judgment of said Board, are designed to advance and promote the program of education in Cleburne County or will train and better qualify said Superintendent to administer and perform the duties of his office.

Section 3: For the performance of the extra, new and additional duties hereby imposed on him, the County Board of Education may increase the salary of said Superintendent for his present term of office, in a sum not to exceed \$1,200 per year, which sum shall be in addition to the maximum now authorized by law to be fixed as the salary of said Superintendent. The provisions of this Act shall cease to be effective on July 1, 1949.

Section 4: In addition to the salary fixed herein, said Board shall pay the reasonable travel and subsistence expenses, not to exceed \$600.00 per year, beginning July 1st of each year, which the Superintendent hereafter incurs in the performance of the duties of his office and in attending educational functions and meetings in and outside of Cleburne County as authorized herein. This reimbursement also applies to expense incurred in the regular performance of the duties imposed on a Superintendent under the general laws of Alabama as well as for the performance of the new duties imposed hereunder. The sum of \$600.00 mentioned in this section shall not be in addition to that allowed under the general laws of Alabama for the payment of expenses, but shall include such sum.

Section 5: That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby expressly, repealed.

Section 6: That this Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 25, 1947.

No. 448)

(H. 865—Adams (Dale)

## AN ACT

To prescribe the duties of the County Superintendent of Education of Dale County, Alabama, and to provide compensation for the performance of such duties.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The County Superintendent of Education of Dale County, Alabama, in addition to the duties imposed under the general laws of Alabama, shall begin immediately to administer the Veterans' Training Program of Dale County, and also begin immediately to administer and direct the school lunch program of such county.

Section 2. The County Superintendent of Education of Dale County, at the direction of the County Board of Education, shall attend all educational functions and meetings within and without Dale County, Alabama, which, in the judgment of said Board, are designed to advance and promote the program of education in Dale County or will train and better qualify said Superintendent to administer and perform the duties of his office.

Section 3. For the performance of the additional duties herein imposed, the County Board of Education may pay a salary of \$4,000 per year to said Superintendent of Education for his present term of office; and after the expiration of said present term of office, said Board shall fix the Superintendent's salary for his term of office at such sum as they may deem proper; provided, however, that such salary shall not exceed \$4,000 per year. Such salary for the succeeding terms shall be fixed between January 1 and July 1 of the preceding year in which the term begins.

Section 4. All laws and parts of laws in conflict with this act are hereby expressly repealed.

Section 5. This act shall take effect immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 25, 1947.

No. 449)

(H. 866—Adams (Dale)

## AN ACT

To allow the members of the Board of Education of Dale County, Alabama, pay for not more than 18 days in any one year and to fix their salary and traveling expenses payable from the general school funds of Dale County, Alabama.

*Be It Enacted by the Legislature of Alabama:*

\* Section 1. The members of the County Board of Education of Dale County, Alabama, shall receive from the public school funds of the County \$5 per day and their actual traveling and hotel expenses

incurred in attending meetings of the Board and in transacting the business of the Board. The members of the Dale County Board shall not be allowed pay for more than 18 days in any one year, and their expenses shall be paid in like manner as provided for the compensation of teachers. They shall not be required to hold teachers' certificates.

Section 2. This law shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 25, 1947.

No. 450

(H. 867—Dobbs (Elmore) and Hornsby

### AN ACT

To provide for commissions to be allowed to the Clerk of the Circuit Court of Elmore County, Alabama, as Ex Officio Clerk of the Court of Common Pleas of said County in addition to the fees, cost and compensation now allowed by law.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That in addition to the fees, costs and compensation now provided by law to be allowed to the Clerk of the Circuit Court of Elmore County as Ex Officio Clerk of the Court of Common Pleas of said County, said Clerk shall be allowed the same commissions on all moneys collected by him as Clerk of said Court of Common Pleas and paid over to the County and State or any agency thereof as he is now allowed and may hereafter be allowed by law for the same services as Clerk of the Circuit Court of said County.

Section 2. This act shall go into effect immediately upon its passage and approval.

Approved September 25, 1947.

No. 453)

(H. 875—Callahan and Shelton

### AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That the boundary lines and corporate limits of the City of Tuscaloosa, in Tuscaloosa County, Alabama, be and the same are hereby extended, altered, and rearranged so as to include within the corporate limits of said City all of the following additional adjacent territory: The Subdivision known as Beverly Heights, a map or plat of which is of record in Plat Book 5, page 68 in the office of the Judge of Probate of Tuscaloosa County, Alabama; that the

boundary lines and corporate limits of said City shall remain as now located except that at the point on the east boundary line of said City which is also the northwest corner of the subdivision known as Beverly Heights the boundary line shall run east along the north boundary of said subdivision to the northeast corner of said subdivision; thence in a southerly direction along the east boundary of said subdivision to a point where the same turns east; thence east to a point where the boundary line of said subdivision turns south; thence south to a point at which the said boundary line turns west; thence west to a point where the said boundary line runs in a southerly direction to the southeast corner of said subdivision; thence in a southwesterly direction along the south boundary line to the southwest corner of said subdivision which is located on the present eastern boundary line of the City of Tuscaloosa.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 25, 1947.

No. 454)

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### AN ACT

(H. 876—Shelton

To provide for the compensation of jurors in Tuscaloosa County, Alabama.

*Be it Enacted by the Legislature of Alabama:*

Section 1. The per diem of jurors, grand and petit, in Tuscaloosa County, Alabama, shall be five dollars (\$5). In addition, jurors in Tuscaloosa County are entitled to be paid five cents (5c) for each mile traveled, plus ferriage and toll, in going to and returning from court when proved by oath of the juror before the clerk of the court.

Section 2. It shall be the duty of the clerk of the court to give each juror a certificate stating the number of days the juror has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. Such certificate shall be received in payment of county taxes and other county dues, and shall be payable out of the county treasury.

Section 3. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1947.



No. 455)

(H. 877—Hankins)

## AN ACT

Abolishing the fine and forfeiture fund of Lamar County: providing for the payment of charges against the fine and forfeiture fund from the general fund.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The fine and forfeiture fund of Lamar County is hereby abolished.

Section 2. It shall be the duty of the custodian of the fine and forfeiture fund of the county to transfer all money on hand in such fund on the effective date of this Act to the county general fund. Thereafter, all claims which would be payable from the fine and forfeiture fund except for this Act shall be paid from the general fund. Thereafter, all moneys which would be payable into the fine and forfeiture fund except for this Act shall be paid into the general fund.

Section 3. After the effective date of this Act, when any person subpoenaed as a witness before the grand jury of the county procures a certificate of his attendance signed by the foreman of the jury, the certificate shall be paid out of the general fund on its presentation by the lawful holder thereof.

Section 4. After the effective date of this Act, when any person appears as a witness for the State in a criminal case in the circuit or county court of Lamar County, and procures a certificate of his attendance signed by the clerk of the court, the certificate shall be paid out of the general fund on its presentation by the lawful holder thereof. When any fees are collected for State witnesses in the circuit or county court, the fees shall be paid into the general fund.

Section 5. All other claims accruing after the effective date of this Act and accruing against the general fund by reason of Sections 1 and 2, above, shall be paid on presentation of the certificates therefor by the lawful holders.

Section 6. All unpaid claims against the fine and forfeiture fund on the effective date of this Act shall be claims against the general fund. Such claims against the general fund in accord with this Section shall be paid upon presentation of the certificates therefor by the lawful holders.

Section 7. All claims accruing after the effective date of this Act and accruing against the general fund by reason of Sections 1 and 2, above, shall be preferred claims against that fund.

Section 8. All laws and parts of laws in conflict with this Act are repealed.

Section 9. The provisions of this Act are declared to be severable. If any part is declared invalid in any application, such declaration shall not affect other parts or applications.

Section 10. This Act shall take effect upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 25, 1947.

No. 456)

(H. 878—Dumas, Meeks, Sadler,  
Kaul, Gibson, Beatty, Adams (Jefferson))

## AN ACT

To Alter and Extend the Boundaries of the City of Birmingham.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That the boudaries of the City of Birmingham, in the County of Jefferson, State of Alabama, are hereby altered and extended so that said boundaries shall include within the corporate limits of said City all of the following described additional property not presently located in said City, to-wit: The Northeast quarter of the Northwest quarter of Section 18, Township 18 South, Range 3 West, Jefferson County, Alabama.

Section 2. That this act shall become and be effective upon and after date of passage.

Approved September 25, 1947.

No. 457)

(H. 880—Adams (of Jefferson), Beatty,  
Dumas, Gibson, Kaul, Meeks, Sadler)

## AN ACT

To provide methods of appointment to and terms of office of certain Records of the City of Birmingham, Alabama; to define the powers, duties, and qualifications of such officers, and provide for the salaries of such officers and fixing the manner of payment of such salaries; to define the duties and powers of other officials with respect to said offices including the power to provide for filling absences of such officers during absence or disability and for other purposes.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That from and after November 1st, 1947, all Recorders of the City of Birmingham regularly assigned to the trial of causes involving violation of any of the ordinances of the City of Birmingham, statutes of the State of Alabama, or any other law, shall be appointed for terms of four (4) years in the manner and under the conditions following, to-wit: A. Such appointments shall be made by a majority vote of the members of the City Commission or other governing body of the City of Birmingham, with the advice of: (1) President of the Birmingham Bar Association and (2) a judge of the Circuit Court for the Tenth Judicial Circuit of Alabama regularly assigned to the trial of appeals to said Court from the Recorder's Court of the City of Birmingham. B. Any such appointment may be vacated before the expiration of any term for which such Recorder was appointed by a unanimous vote of the members of the City Commission or other governing body of the City of Birmingham, and the President of the Birmingham Bar Association, and the Judge of

the Circuit Court for the Tenth Judicial Court of Alabama regularly assigned to the trial of appeals of said Court from the Recorder's Court of the City of Birmingham.

Section 2. That the Recorders referred to in Section 1 of this Act shall be learned in the law and shall at the time of their appointment, as well as during their tenure of office, be residents of the City of Birmingham, Alabama.

Section 3. That in the absence, disability, or disqualification of any such Recorder, the Commissioner of Public Safety of the City of Birmingham, or that officer of the governing body of said City with direct supervision of the functions of Public Safety, may appoint some person to act in such Recorder's stead during such interval, and such person so appointed shall have and exercise the powers and duties of such Recorder, and shall be compensated out of the City Treasury in such sum as the Commission or other governing body of said City may provide.

Section 4. That each Recorder described in Section 1 of this Act shall receive an annual salary in such sum as may from time to time be fixed by the City Commission of Birmingham or such other governing body, which salary shall be payable out of the Treasury of said City in either monthly or semi-monthly installments. No such Recorder's salary shall be diminished or increased during his term of office; provided, however, that in case of a general decrease in the salaries or compensation of all or substantially all City employees, such decrease may be applied proportionately to the salaries of such Recorders; and that in case of a general increase in the salaries or compensation of all or substantially all City employees, such increase shall be applied proportionately to the salaries of such Recorders.

Section 5. The provisions of this Act are intended and shall apply only to those Recorders specifically described in Section 1 of this Act, and is not intended to apply to the appointment of or tenure of office of other Recorders of the City of Birmingham who are not regularly assigned to the trial of causes as described in Section 1.

Approved September 25, 1947.

No. 458)

(H. 881—Kaul, Sadler,  
Gibson, Meeks.

#### AN ACT

For the Relief of John L. Sprinkle.

*Be it Enacted by the Legislature of Alabama:*

The Commission of Jefferson County, Alabama is hereby authorized and directed to pay to John L. Sprinkle, former deputy sheriff of Jefferson County, Alabama, the sum of one Thousand one hundred twenty-four Dollars and Eighty nine cents (\$1,124.89) for permanent personal injuries, namely, a fracture through in-

tertrochanteric portion of the right femur resulting in permanent disability and the permanent shortening of the right leg of the said Sprinkle and medical and hospital expenses incurred as a result of said injury, which said injury and expenses resulted as a proximate consequence of the negligence of a servant, agent or employee of the Commission of Jefferson County, Alabama, and as the result of a defective automobile in this, that while the said John L. Sprinkle was on duty as a deputy sheriff of Jefferson County, Alabama on the 4th day of September, 1936, and was riding in an automobile, which said automobile was being driven by a servant, agent or employee of said Jefferson County Commission was caused or allowed or permitted to run off of said road and into a deep ditch near a railroad crossing. The said sum of money, claimed as aforesaid is to be paid to the said John L. Sprinkle out of such monies as may be constitutionally available. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.  
Approved September 25, 1947.

No. 459)

(H. 883—Beatty, Dumas

### AN ACT

For the relief of Sam Francis Brennan, Jr. in the sum of \$500.00, in that on, to-wit, November 16, 1938, while the said Sam Francis Brennan, Jr. was a student at Jefferson County High School, in Jefferson County, Alabama, the Jefferson County Board of Education negligently maintained a band saw for the use of students in the manual training class at the Jefferson County High School, which was unsafe for use, and on said date said band saw blade came off the drive wheel of said band saw and struck the said Sam Francis Brennan, Jr. in his right eye, permanently injuring same.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the Jefferson County Board of Education of Jefferson County, Alabama, is hereby authorized and directed to pay to Sam Francis Brennan, Jr. the sum of \$500.00 for permanent personal injuries, viz: the loss of the sight of the right eye of the said Sam Francis Brennan, Jr., and medical and hospital expenses, which said injury was received and said expense incurred as a direct and proximate result of the negligence of the agents, servants or employees of the Jefferson County Board of Education of Jefferson County, Alabama, in that, while the said Sam Francis Brennan, Jr. was a student at Jefferson County High School, in Jefferson County, Alabama, the said Jefferson County Board of Education, of Jefferson County, Alabama, as aforesaid, maintained in the manual training room of said school, a band saw for the use of the students thereof, which was unsafe for such use, and which said band saw blade came off the drive wheel and struck the said Sam Francis Brennan, Jr. in his right eye, per-

manently injuring same. The said sum of money, as aforesaid, is to be paid to the said Sam Francis Brennan, Jr. out of such moneys as may be constitutionally available.

Section 2. This act shall become effective immediately upon its passage and approval by the governor, or its otherwise becoming a law.

Approved September 25, 1947.

No. 460)

(H. 884—Ganey and Leonard

### AN ACT

To change the method of compensating the Circuit Clerk of Talladega County, placing such officer on a salary, and providing for clerical assistance and office space for him.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The salary of the Circuit Clerk of Talladega County shall be three thousand six hundred (\$3,600.00) dollars per year, in lieu of all other compensation, to be paid out of the county treasury in equal monthly installments as the salaries of county employees are paid. All fees, commissions, percentages, and allowances heretofore collectible for the use of the circuit clerk shall be collected and paid into the general fund of the county.

Section 2. The governing body of Talladega County shall provide sufficient clerks, deputies and other assistance to the circuit clerk, but the circuit clerk shall select the clerks, deputies and other assistants, and shall fix their compensation, but the combined compensation of such clerks, deputies and assistants selected by him shall not exceed one thousand eight hundred (\$1,800.00) dollars per year. The circuit clerk shall have the right to discharge the clerk, deputies and assistants at will. The county governing body is authorized to adopt rules and regulations for conducting and operating the office, if such are necessary as a result of changing the method and basis of compensation under this Act. The compensation of the clerks, deputies and assistants shall be paid in equal monthly installments out of the county treasury as other county employees are paid.

Section 3. The governing body of Talladega County shall provide the circuit clerk with the necessary quarters, books, stationery, office equipment, supplies, postage and other conveniences and equipment necessary for the proper and efficient conduct of the affairs of his office.

Section 4. All laws which conflict with this Act are repealed.

Section 5. This Act shall become effective upon the expiration of the term of office of the incumbent Circuit Clerk of Talladega County and upon the ratification and adoption of an Amendment to the Constitution of Alabama authorizing such an act.

Approved September 25, 1947.

No. 461)

(H. 885—Ganey and Leonard.

## AN ACT

To change the method of compensating the Register of the Circuit Court of Talladega County, placing such officer on a salary, and providing for clerical assistance and office space for him.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The salary of the Register of the Circuit Court of Talladega County shall be three thousand (\$3,000.00) dollars per year, in lieu of all other compensation, to be paid out of the county treasury in equal monthly installments as the salaries of county employees are paid. All fees, commissions, percentages, and allowances heretofore collectible for the use of the register of the circuit court shall be collected and paid into the general fund of the county.

Section 2. The governing body of Talladega County shall provide sufficient clerks, deputies and other assistants to the register of the circuit court, but the register of the circuit court shall select the clerks, deputies and other assistants, and shall fix their compensation, but the combined compensation of such clerks, deputies and assistants selected by him shall not exceed five hundred (\$500.00) dollars per year. The register of the circuit court shall have the right to discharge the clerk, deputies and assistants at will. The county governing body is authorized to adopt rules and regulations for conducting and operating the office, if such are necessary as a result of changing the method and basis of compensation under this Act. The compensation of the clerks, deputies and assistants shall be paid in equal monthly installments out of the county treasury as other county employees are paid.

Section 3. The governing body of Talladega County shall provide the register of the circuit court with the necessary quarters, books, stationery, office equipment, supplies, postage and other conveniences and equipment necessary for the proper and efficient conduct of the affairs of his office.

Section 4. All laws which conflict with this Act are repealed.

Section 5. This Act shall become effective upon the expiration of the term of office of the incumbent Register of the Circuit Court of Talladega County and upon the ratification and adoption of an Amendment to the Constitution of Alabama authorizing such an act.

Approved September 25, 1947.

No. 462)

(H. 886—Ganey and Leonard.

## AN ACT

To change the method of compensating the Sheriff of Talladega County, placing such officer on a salary, and providing for clerical assistance and office space for him.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The salary of the Sheriff of Talladega County shall be five thousand (\$5,000.00) dollars per year, in lieu of all other compensation, to be paid out of the county treasury in equal monthly installments as the salaries of county employees are paid. All fees, commissions, percentages, and allowances heretofore collectible for the use of the sheriff shall be collected and paid into the general fund of the county.

Section 2. The governing body of Talladega County shall provide sufficient clerks, deputies and other assistants to the sheriff, but the sheriff shall select the clerks, deputies and other assistants, and shall fix their compensation, but the combined compensation of such clerks, deputies and assistants selected by him shall not exceed ten thousand (\$10,000.00) dollars per year. The sheriff shall have the right to discharge the clerk, deputies and assistants at will. The county governing body is authorized to adopt rules and regulations for conducting and operating the office, if such are necessary as a result of changing the method and basis of compensation under this Act. The compensation of the clerks, deputies and assistants shall be paid in equal monthly installments out of the county treasury as other county employees are paid.

Section 3. The governing body of Talladega County shall provide the sheriff with the necessary quarters, books, stationery, office equipment, supplies, postage and other conveniences and equipment necessary for the proper and efficient conduct of the affairs of his office.

Section 4. All laws which conflict with this Act are repealed.

Section 5. This Act shall become effective upon the expiration of the term of office of the incumbent Sheriff of Talladega County and upon the ratification and adoption of an Amendment to the Constitution of Alabama authorizing such an act.

Approved September 25, 1947.

No. 463)

(H. 887—Ganey, Leonard.

## AN ACT

To change the method of compensating the Tax Collector of Talladega County, placing such officer on a salary, and providing for clerical assistance and office space for him.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The salary of the Tax Collector of Talladega County shall be five thousand (\$5,000.00) dollars per year, in lieu of all other compensation, to be paid out of the county treasury in equal monthly installments as the salaries of county employees are paid. All fees, commissions, percentages, and allowances heretofore collectible for the use of the tax collector shall be collected and paid into the general fund of the county.

Section 2. The governing body of Talladega County shall provide sufficient clerks, deputies and other assistants to the tax collector, but the tax collector shall select the clerks, deputies and other assistants, and shall fix their compensation, but the combined compensation of such clerks, deputies and assistants selected by him shall not exceed two thousand eight hundred fifty (\$2,850.00) dollars per year. The tax collector shall have the right to discharge the clerk, deputies and assistants at will. The county governing body is authorized to adopt rules and regulations for conducting and operating the office, if such are necessary as a result of changing the method and basis of compensation under this Act. The compensation of the clerks, deputies and assistants shall be paid in equal monthly installments out of the county treasury as other county employees are paid.

Section 3. The governing body of Talladega County shall provide the tax collector with the necessary quarters, books, stationery, office equipment, supplies, postage and other conveniences and equipment necessary for the proper and efficient conduct of the affairs of his office.

Section 4. All laws which conflict with this Act are repealed.

Section 5. This Act shall become effective upon the expiration of the term of office of the incumbent Tax Collector of Talladega County and upon the ratification and adoption of an Amendment to the Constitution of Alabama authorizing such an act.

Approved September 25, 1947.

No. 464)

(H. 888—Ganey and Leonard.

## AN ACT

To change the method of compensating the Judge of Probate of Talladega County, placing such officer on a salary, and providing for clerical assistance and office space for him.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The salary of the Judge of Probate of Talladega



County shall be six thousand (\$6,000.00) dollars per year, in lieu of all other compensation, to be paid out of the county treasury in equal monthly installments as the salaries of county employees are paid. All fees, commissions, percentages, and allowances heretofore collectible for the use of the judge of probate shall be collected and paid into the general fund of the county.

Section 2. The governing body of Talladega County shall provide sufficient clerks, deputies and other assistants to the judge of probate, but the judge of probate shall select the clerks, deputies and other assistants, and shall fix their compensation, but the combined compensation of such clerks, deputies and assistants selected by him shall not exceed seventeen thousand (\$17,000.00) dollars per year. The judge of probate shall have the right to discharge the clerk, deputies and assistants at will. The county governing body is authorized to adopt rules and regulations for conducting and operating the office, if such are necessary as a result of changing the method and basis of compensation under this Act. The compensation of the clerks, deputies and assistants shall be paid in equal monthly installments out of the county treasury as other county employees are paid.

Section 3. The governing body of Talladega County shall provide the judge of probate with the necessary quarters, books, stationery, office equipment, supplies, postage and other conveniences and equipment necessary for the proper and efficient conduct of the affairs of his office.

Section 4. All laws which conflict with this Act are repealed.

Section 5. This Act shall become effective upon the expiration of the term of office of the incumbent Judge of Probate of Talladega County and upon the ratification and adoption of an Amendment to the Constitution of Alabama authorizing such an act.

Approved September 25, 1947.

No. 465)

(H. 889—Ganey, Leonard.

### AN ACT

To change the method of compensating the Tax Assessor of Talladega County, placing such officer on a salary, and providing for clerical assistance and office space for him.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The salary of the Tax Assessor of Talladega County shall be five thousand (\$5,000.00) dollars per year, in lieu of all other compensation, to be paid out of the county treasury in equal monthly installments as the salaries of county employees are paid. All fees, commissions, percentages, and allowances heretofore collectible for the use of the tax assessor shall be collected and paid into the general fund of the county.

Section 2. The governing body of Talladega County shall provide sufficient clerks, deputies and other assistants to the tax as-

essor, but the tax assessor shall select the clerks, deputies and other assistants, and shall fix their compensation, but the combined compensation of such clerks, deputies and assistants selected by him shall not exceed four thousand (\$4,000.00) dollars per year. The tax assessor shall have the right to discharge the clerk, deputies and assistants at will. The county governing body is authorized to adopt rules and regulations for conducting and operating the office, if such are necessary as a result of changing the method and basis of compensation under this Act. The compensation of the clerks, deputies and assistants shall be paid in equal monthly installments out of the county treasury as other county employees are paid.

Section 3. The governing body of Talladega County shall provide the tax assessor with the necessary quarters, books, stationery, office equipment, supplies, postage and other conveniences and equipment necessary for the proper and efficient conduct of the affairs of his office.

Section 4. All laws which conflict with this Act are repealed.

Section 5. This Act shall become effective upon the expiration of the term of office of the incumbent Tax Assessor of Talladega County and upon the ratification and adoption of an Amendment to the Constitution of Alabama authorizing such an act.

Approved September 25, 1947.

No. 467)

(H. 896—Lowe, Davis and Vann.

#### AN ACT

To authorize the Board of County Commissioners of Madison County to provide the sheriff with radio communication equipment and arms and ammunition.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The Board of County Commissioners of Madison County is authorized (a) to provide for the purchase, installation and maintenance of radio communication equipment in automobiles operated by or under the direction of the sheriff in the performance of his duties, and (b) to provide arms and ammunition, including gas guns and ammunition therefor, for the use of the sheriff in the performance of his duties.

Section 2. This Act shall become effective upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved September 25, 1947.

No. 468)

(H. 897—Lowe, Vann and Davis

## AN ACT

To authorize the governing body of Madison County upon the request of the sheriff to fix and provide for the compensation of additional deputy sheriffs.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The governing body of Madison County is authorized, upon the request of the sheriff, to fix and provide for the compensation of such additional deputy sheriffs as it deems necessary. Provided, that a minimum of twenty-five per cent of the compensation of such deputies shall be paid by the sheriff personally, and the remainder by the county governing body from the general fund of the county.

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 25, 1947.

No. 469)

(H. 898—Lowe, Vann, and Davis

## AN ACT

To authorize and require the Board of County Commissioners of Madison County to employ a County Engineer and fix his salary; to fix his qualifications; to prescribe his powers and duties; to require that he shall hold no other office or employment but shall devote his entire time to his duties as County Engineer; to repeal all laws and parts of laws in conflict herewith; to provide for the effective date of this Act.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That the Board of County Commissioners of Madison County is hereby authorized and required to employ a County Engineer and to fix his salary, which shall be paid in equal monthly installments out of the road and bridge fund of the County. Such County Engineer shall serve at the pleasure of the Board.

Section 2. That the County Engineer so employed shall be a licensed, professional engineer and shall have had not less than three years' experience in the construction and maintenance of highways.

Section 3. That he shall have the power and it shall be his duty, subject to the policies established by the Board of County Commissioners of Madison County: (1) to supervise and direct such assistants and employees as are necessary in the construction for roads and bridges in the county; (2) to supervise the location, placement, use and operation of all road and bridge materials, supplies, tools, machinery, and equipment used in the construction of roads and bridges in the county; (3) to perform such engineering and surveying services as may be required by the Board; and (4) to perform such other

duties as may be necessary in the operation of the county road system.

Section 4. That, during the time of his employment as County Engineer, he shall hold no other office or employment but shall devote his entire time to the duties of his position as such County Engineer.

Section 5. That all laws or parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 6. That this Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 25, 1947.

No. 470)

(H. 899—Lowe, Vann, Davis.

### AN ACT

To establish in Madison County the office of Chief Clerk to the Circuit Solicitor of the 23rd Judicial Circuit of Alabama; to prescribe the duties of the said Chief Clerk; to fix his term of office and to prescribe the pay for said Chief Clerk and provide for payment of his salary out of the General Fund of Madison County, Alabama.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. That in Madison County, Alabama, there is hereby established the office of Chief Clerk in the office of the Circuit Solicitor of the 23rd Judicial Circuit of Alabama.

Section 2. Immediately upon its passage of this Act the Circuit Solicitor of the 23rd Judicial Circuit and/or Madison County shall appoint a Chief Clerk who shall serve at the pleasure of the said Circuit Solicitor and the said Chief Clerk may be removed at any time by the said Circuit Solicitor at his pleasure.

Section 3. The said Chief Clerk shall do all clerical work required of him by said Circuit Solicitor in connection with the operation of said Solicitor's office and to keep all official records in connection with said office; to report all the proceedings of the Grand Juries of said Circuit; cases in the Inferior Court of Huntsville, Alabama, and habeas corpus proceedings when instructed to do so by said Circuit Solicitor; and further it shall be the duty of the said Chief Clerk to investigate any matter directed by the Circuit Solicitor to be investigated and to make all reports to said Solicitor. The Chief Clerk shall have the same authority now possessed by the Clerks of the Circuit Courts of Alabama to administer oaths.

Section 4. The said Chief Clerk shall be paid in equal monthly installments an annual salary of \$1,500.00 out of the General Fund of Madison County, Alabama, on warrants drawn by the Chairman of the Madison County Board of Commissioners.

Section 5. Before entering upon his duties the Chief Clerk must

subscribe to the same oath now provided for the Solicitors of the Circuit Court.

Section 6. This Act shall become effective immediately upon its passage and approval, and all law and parts of law in conflict herewith be and the same are hereby repealed as far as they or it are repugnant to this Act.

Approved September 25, 1947.

No. 471)

(H. 900—Lowe, Davis and Vann

### AN ACT

To require each member of the Board of County Commissioners of Madison County to file in the office of said Board monthly statements of the road and bridge maintenance work performed in his district during the preceding month; to require the Chairman of the Board of County Commissioners of Madison County to give publicity monthly to the disbursements of county funds; to provide for a clerk of the Board of County Commissioners of Madison County and to authorize the Chairman, with the approval of said Board, to employ such additional clerical assistants as may be necessary to discharge the clerical duties of his office; to provide additional compensation to the Chairman and the members of the Board of County Commissioners for the performance of the extra, new, and additional duties hereby placed upon them; to provide for the payment of the compensation of the clerk and other clerical assistants herein provided for; to repeal all laws and parts of laws in conflict herewith; and to provide for the effective date of this Act.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. That, in addition to all other duties now imposed upon him by law, each member of the Board of County Commissioners of Madison County shall file in the office of the Board of County Commissioners not later than the first Monday in each month a statement of all road and bridge maintenance work performed in his district during the preceding month. Such report shall set forth the various roads and bridges upon which maintenance work was performed; the amount and cost of the materials used in such work; and, as accurately as possible, the amount of time and labor spent upon each such road and bridge, together with the cost of such labor. These monthly reports shall be kept on file in the office of the Board of County Commissioners and shall be open to inspection by the public at all reasonable hours.

Section 2. That, in addition to all other duties now imposed upon him by law, the Chairman of the Board of County Commissioners of Madison County shall post, not later than the fifteenth of each month, on a bulletin board in front of the courthouse door in Huntsville and in some public place in each of the five road districts in the county a statement showing the name and address of each person employed by the county during the preceding month, the nature of the position held or work done by such person, and the compensa-

tion received from the county by him. Such statement shall also set forth a list of all other disbursements of county funds during the preceding month, together with the name of the person to whom the disbursement was made, and the purpose for which the same was made.

Section 3. That the Board of County Commissioners of Madison County shall employ a clerk, whose compensation shall be fixed by the Board; and subject to the approval of the Board, the Chairman of the Board is authorized to employ and fix the compensation of other and additional clerical assistants necessary to perform the clerical duties of his office. The compensation of the clerk and the other clerical assistants employed shall be payable in equal monthly installments out of the general fund of the county.

Section 4. That, for the performance of the extra, new, and additional duties hereby placed upon him, the Chairman and each member of the Board of County Commissioners of Madison County shall receive, in addition to the compensation now provided by law, the additional sum of \$1,200.00 per year, payable in equal monthly installments out of the general fund of the county.

Section 5. That all laws or parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 6. That this Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 25, 1947.

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No. 472)

(H. 901—Lowe, Davis and Vann

### AN ACT

To regulate the sale of alcoholic beverages in Madison County.

*Be It Enacted by the Legislature of Alabama:*

Section 1. It is unlawful for any person, firm, corporation, or association to sell or offer to sell any spirituous or vinous liquor in Madison County except at Alabama Alcoholic Beverage Control Board liquor stores, or to sell or offer to sell within such county any malt or brewed beverages except within the police jurisdiction of an incorporated municipality thereof.

Section 2. Any person, firm, corporation, or association violating the provisions of this Act shall be guilty of a misdemeanor.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Became Law under Section 125 of the Constitution.

No. 473)

(H. 904—Nelson)

## AN ACT

To amend Section 2 of Act No. 332, Local Acts, 1943, page 194, which relates to the County Board of Education of Clay County.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 2 of Act No. 332, *Local Acts*, 1943, page 194, is amended to read: "The members of the County Board of Education of Clay County shall receive from the public school funds of the county Ten dollars (\$10.00) a day and their actual traveling and hotel expenses incurred in attending meetings of the board, and transacting the business of the board. The members of the board shall not be allowed pay for more than 20 days in any one year, and their expenses shall be paid in like manner as provided for the compensation of teachers. They shall not be required to hold teachers' certificates. Except as herein provided the terms of office, the election of their successors, the qualifications of the members, and the powers, duties and authority of the County Board of Education shall be the same as are now provided by general law, or as may hereafter be provided by law."

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 25, 1947.

No. 474)

(H. 905—Beatty, Sadler,  
Gibson, Kaul, Meeks, Dumas.

## AN ACT

For the Relief of Hoyt Holmes.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That the County Commission of Jefferson County, Alabama, be, and it is hereby authorized and directed to pay to Hoyt Holmes the sum of \$1179.30 as compensation for medical and hospital expenses incurred as a result of a personal injury, viz: a fracture of the left radius and ulna of said Hoyt Holmes, which said injury was received and said expenses incurred as a direct and proximate result of the negligence of the agents, servants or employees of Jefferson County, Alabama, in that while the said Hoyt Holmes was an employee of Jefferson County, Alabama, and acting in the line of his duties as such employee, the said Jefferson County maintained a shovel for the use of its employees, in the repair and maintenance of County roads, which said shovel was unsafe for such use and which said shovel overturned and struck the said Hoyt Holmes on his left arm causing a fracture of the radius and ulna thereof as aforesaid. The said sum of money as

aforesaid is to be paid to the said Hoyt Holmes out of such monies as may be constitutionally available.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or otherwise becoming a law.

Approved September 25, 1947.

No. 475)

(H. 907—Sullivan, Johnston,  
Stone.

### AN ACT

To require the Commissioner of Licenses of Mobile County, Alabama, to compile monthly reports to the County Board of Revenue and Road Commissioners of Mobile County, Alabama, and quarterly reports to be furnished the Grand Jury of said County and to provide for the payment of compensation for such services.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That the Commissioner of Licenses of Mobile County, Alabama, holding such office under an Act of the Legislature adopted in 1945, shall after the passage of this Act, prepare and submit to the County Board of Revenue & Road Commissioners of Mobile County, Alabama, with a copy thereof to be furnished the State License Inspector for said County at the end of each calendar month, an itemized report to contain the name and addresses of all persons, firms, or corporations cited by the License Inspector for failure to procure a State and County License and who have not secured such licenses.

Section 2. That on the first Monday of October, January, April, and July of each year the Commissioner of Licenses of Mobile County, Alabama, shall submit to the Solicitor of the 13th Judicial Circuit for presentation to the Grand Jury of Mobile County a list of names and addresses of the persons, firms and corporations who have been cited within the preceding quarter for failure to secure a State and County License and who have not secured said licenses.

Section 3. For the performance of the duties herein set out in addition to the duties required of the Commissioner of Licenses there shall be paid to the Commissioner of Licenses the sum of Eight Hundred (\$800.00) dollars annually payable in equal monthly installments out of the General Fund of Mobile County.

Section 4. This Act shall take effect upon its passage.

Approved September 25, 1947.



No. 476)

(H. 908—Johnston, Sullivan, Stone

## AN ACT

To amend Section 24 of an act "To create and establish in Mobile County, Alabama, a county wide Civil Service System" (Local Acts 1939, page 313, approved September 15, 1939).

*Be It Enacted by the Legislature of Alabama:*

Section 1. That Section 24 of an act to create in Mobile County, Alabama, a county wide Civil Service System (Local Acts 1939, page 313, approved September 15, 1939) be and the same is hereby amended so as to read as follows:

Section 24. POLITICAL ACTIVITIES PROHIBITED: (a) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the Classified Service, or in any way favored or discriminated against with respect to employment in the Classified Service because of his political or religious opinions or affiliations or his race. (b) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the Classified Service. (c) No person shall use or promise to use, directly, or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment, or advantage in appointment to a position in the Classified Service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration. (d) No employee in the Classified Service shall directly or indirectly, pay or promise to pay any assessment, subscription, or contribution for any political organization or purpose, or solicit or take any part in soliciting any such assessment, subscription, or contribution. No person shall solicit any such assessment, subscription or contribution of any employee in the Classified Service. (e) No employee in the Classified Service shall be a member of any national, state or local committee of a political party, or an officer of a partisan political club or take any part in the management or affairs of any political party or in any political campaign, except exercise his right as a citizen privately to express his opinion and to cast his vote. This subdivision (e) of Section 24 shall not apply to Judges or attorneys at law, nor shall same be applicable to an employee in the classified service who has applied for and obtained from the Personnel Board a leave of absence for not less than two nor more than eight months for the purpose of qualifying and campaigning for nomination and election to a public office; such leave of absence shall be granted upon formal request therefor and shall be without pay but no such employee shall forfeit retirement, leave, vacation or any other privileges or benefits by reason of the granting of such leave of absence for such purpose. (f) Any officer or employee in the classified service who violates any

of the foregoing provisions of this Section shall forfeit his office or position.

Section 2. All laws and parts of laws in conflict with the provisions of this act shall be and the same are hereby repealed.

Section 3. This act shall take effect immediately upon its passage by the Legislature and approval by the Governor or upon its otherwise becoming a law.

Approved September 25, 1947.

No. 489)

(H. 648—Malone

### AN ACT

To subdivide Precinct Number Three of Houston County into four Election Districts; to identify the territorial limits of each District; to require all persons in said Precinct to vote in the District in which he or she may reside; and to repeal all laws and parts of laws in conflict with the provisions of the Act.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That Precinct Number Three of Houston County is hereby divided into four Election Districts, for the purpose of conducting elections within said Precinct, designated as follows: District Number One; District Number Two; District Number Three; and District Number Four.

Section 2. (a) District Number One shall include that portion of said Precinct and the citizens residing therein situated North of East Main Street and the Dothan-Ashford Public Highway, and situated East of North Foster Street, Headland Avenue and the Dothan-Headland Highway. (b) District Number Two shall include that portion of said Precinct and the citizens residing therein situated South of East Main Street and the Dothan-Ashford Public Highway, and situated East of South Foster Street and the Dothan-Marianna Public Highway. (c) District Number Three shall include that portion of said Precinct and the citizens residing therein situated South of West Main Street and the Dothan-Enterprise Public Highway, and situated West of South Foster Street and the Dothan-Marianna Public Highway. (d) District Number Four shall include that portion of said Precinct and the citizens residing therein situated West of North Foster Street, Headland Avenue and the Dothan-Headland Public Highway, and situated North of West Main Street and the Dothan-Enterprise Public Highway.

Section 3. All qualified electors residing within said Precinct shall hereafter cast their ballot, in all elections, within the District in which such elector resides.

Section 4. All laws and parts of laws in conflict with the Provisions of this Act are hereby repealed.

Approved September 30, 1947.

No. 490)

(H. 649—Malone

## AN ACT

To subdivide the City of Dothan into wards for the purpose of conducting municipal elections; to identify the territorial limits of each ward; to require all qualified electors residing in the City and voting in a municipal election to cast their ballot in the ward in which such elector resides; and to repeal all laws or parts of laws in conflict with the provisions of the Act.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That the City of Dothan is hereby divided into four wards, for the purpose of conducting municipal elections, designated as Ward Number One; Ward Number Two; Ward Number Three; and Ward Number Four.

Section 2. (a) Ward Number One shall include that portion of the City of Dothan and the Citizens residing therein situated East of North Foster Street and Headland Avenue and North of East Main Street. (b) Ward Number Two shall include that portion of the City of Dothan and the Citizens residing therein situated South of East Main Street and East of South Foster Street. (c) Ward Number Three shall include that portion of the City of Dothan and the Citizens residing therein situated West of South Foster Street and South of West Main Street. (d) Ward Number Four shall include that portion of the City of Dothan and the Citizens residing therein situated North of West Main Street and West of North Foster Street and Headland Avenue.

Section 3. All qualified electors residing within the City of Dothan shall hereafter cast their ballot in all municipal elections within the Ward in which such elector resides.

Section 4. All laws and parts of laws in conflict with the Provisions of this Act are hereby repealed.

Approved September 30, 1947.

No. 493)

(H. 741—Brannon

## AN ACT

To amend Section 2 of an act in reference to and to further provide for the Fine and Forfeiture Fund of the County of Baldwin, Alabama, by the transfer thereto of any surplus now in or hereafter accumulating in the County Solicitors Fund created by an act of this Legislature and provide the manner of transferring such surplus thereto, and to provide for the distribution of the surplus of such Fine and Forfeiture Fund, after the payment of all other claims and demands now or hereafter chargeable by law against such funds, first to the payment therefrom of the salary of a deputy sheriff for such county, in addition to and other than the deputy sheriff whose salary is paid out of the general fund of such county, and then by transferring any surplus remaining in such fund at the expiration of each sheriff's term of office, after the payment of all claims and demands now or hereafter by law chargeable against such fund including the salary of the deputy by this Act payable out of such fund, to the general fund of the county, and to fix the amount of such deputy sheriff's

salary payable from such fund and the time and manner of the payment thereof, and to provide that any deficiency in the payment of such salary in any calendar year or years may be paid from any surplus in such fund accruing in any succeeding year or years only during the term of office of the sheriff appointing such deputy, approved May 28, 1931, reported, Local Acts Alabama, 1931, pages 83-84.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That Section 2 of an act, entitled an act in reference to and to further provide for the Fine and Forfeiture Fund of the County of Baldwin, Alabama, by the transfer thereto of any surplus now in or hereafter accumulating in the County Solicitors Fund created by an act of this Legislature and provide the manner of transferring such surplus thereto, and to provide for the distribution of the surplus of such Fine and Forfeiture Fund, after the payment of all other claims and demands now or hereafter chargeable by law against such funds, first to the payment therefrom of the salary of a deputy sheriff for such county, in addition to and other than the deputy sheriff whose salary is paid out of the general fund of such county, and then by transferring any surplus remaining in such fund at the expiration of each sheriff's term of office, after the payment of all claims and demands now or hereafter by law chargeable against such fund including the salary of the deputy by this Act payable out of such fund, to the general fund of the county, and to fix the amount of such deputy sheriff's salary payable from such fund and the time and manner of the payment thereof and to provide that any deficiency in the payment of such salary in any calendar year or years may be paid from any surplus in such fund accruing in any succeeding year or years only during the term of the office of the Sheriff appointing such deputy, approved May 28, 1931 reported, Local Acts Alabama, 1931, pages 83-84, be amended to read as follows: "Section 2. That any surplus now in or that hereafter accumulates in the Fine and Forfeiture Fund of Baldwin County, after the payments of all other claims and demands now or hereafter chargeable against such fund, not to exceed Thirty-six Hundred Dollars (\$3600.00) a year, is hereby appropriated to the payment of the salaries of deputy sheriffs, not to exceed two, in addition to and other than the deputy sheriff whose salary is paid out of the general fund of Baldwin County, such additional deputy sheriff's salaries to be paid in monthly installments of not exceeding One Hundred Fifty Dollars (\$150.00) to each deputy; provided that if during any calendar year the surplus of such Fine and Forfeiture Fund shall not be sufficient to pay the salaries of such deputy sheriffs, any surplus thereafter accumulating in said fund in the succeeding year or years shall be applied to any deficiency in such salaries for the previous calendar year or years, but only for the term for which the sheriff appointing such deputies is elected or appointed, and that no deficiency in such Fine and Forfeiture Fund accruing under any sheriff's administration shall be chargeable against any surplus of

such fund accumulating subsequent to the term of such sheriff in whose administration such deficiency occurs. The deputy's salaries herein provided for shall be paid by warrant drawn on such fund in the same manner as other claims are paid out of the said fund."

Section 2. That all laws or parts of laws, general, local or special in conflict herewith are repealed.

Section 3. This act shall go into effect immediately upon passage and approval.

Approved September 30, 1947.

No. 494)

(H. 821—Dobbs (Fayette))

### AN ACT

To Amend Section One of Act No. 256, Approved August 24, 1939. (Local Acts 1939, Page 153) entitled: "An Act to allow the Sheriff of Fayette County, Alabama, an additional deputy sheriff to that now provided by law: to fix the salary of said deputy and to make the same payable out of the General Funds of Fayette County in monthly installments."

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section One of Act No. 256, approved August 24, 1939, (Local Acts, 139, page 153) is amended to read as follows: "That the Sheriff of Fayette County is hereby allowed an additional deputy to the deputy or deputies now provided by law, which said deputy shall receive a salary of Two Thousand One Hundred (\$2100.00) Dollars per annum, to be paid in twelve equal monthly installments out of the General Funds of said County: that said deputy shall be eligible to perform the duties of deputy sheriff anywhere in said County."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1947.

No. 496)

(H. 891—Harris)

### AN ACT

To authorize the Board of Revenue and Control of Morgan County, Alabama, to pay the sum of \$500.00 to Sidney M. Walling as compensation for the loss of an eye while employed by Morgan County.

*Be It Enacted by the Legislature of Alabama:*

That the Board of Revenue and Control of Morgan County, Alabama, be and it is hereby authorized to pay the sum of \$500.00 to Sidney M. Walling to compensate him for the loss of an eye while employed by Morgan County, Alabama, at a rock quarry.

Approved September 30, 1947.

No. 497)

(H. 892—Harris)

## AN ACT

To authorize the Board of Revenue and Control of Morgan County, Alabama, to pay the sum of \$275.00 to Talmadge J. Whitley to compensate him for an injury received while employed by Morgan County.

*Be It Enacted by the Legislature of Alabama:*

That the Board of Revenue and Control of Morgan County, Alabama be and it is hereby authorized to pay the sum of \$275.00 to Talmadge J. Whitley to compensate him for an injury received by him while employed by Morgan County.

Approved September 30, 1947.

No. 499)

(H. 911—Wood (Washington))

## AN ACT

To impose additional duties on the County Solicitor of Washington County, and to provide additional compensation for the performance of such duties.

*Be It Enacted by the Legislature of Alabama:*

Section 1. In addition to performing all other duties now imposed upon him by law, the County Solicitor of Washington County shall perform the duties of and act as coroner for the county.

Section 2. For the performance of the additional duties imposed herein the compensation of the County Solicitor is increased to one hundred and fifty dollars per month, to be paid in the manner now provided by law.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1947.

No. 500)

(H. 913—Cole and Brassell)

## AN ACT

To amend Section 11 of an Act approved February 1, 1937 fixing the salary and term of office of the Judge of the County Court of Russell County and the method of payment of said salary.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That Section 11 of an Act to amend an Act approved February 1, 1937 be amended so as to read as follows: "Section 11. That the salary of the Judge of the County Court of Russell County shall be \$2400.00 per annum payable in 12 equal monthly installments out of the County Court fund on warrants drawn by said Judge, and in case of a vacancy in the office the same shall be filled by appoint-

ment by the Governor for the unexpired term, who is to hold office until the next general election in 1948 and thereafter the term of said Judge shall be 4 years."

Section 2. Should any clause, section or provision of this Act be declared unconstitutional the same shall not affect the constitutionality of any other clause or section thereto.

Section 3. This Act shall take effect immediately upon its passage and approval.

Approved September 30, 1947.

No. 501)

(H. 914—Wood of Washington

### AN ACT

Relating to Washington County; providing for the ex officio fees of the Clerk of the Circuit Court.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The ex officio fees of the Clerk of the Circuit Court of Washington County shall be one thousand eight hundred dollars (\$1,800) per annum, which sum shall be paid in equal monthly installments out of the general fund of the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1947.

No. 502)

(H. 916—Thompson (Crenshaw)

### AN ACT

To provide for compensation of members of the Board of County Commissioners of Crenshaw County out of the Gasoline Excise Tax Fund.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Each member of the Court of County Commissioners of Crenshaw County, Alabama, shall be paid by the County Treasurer of Crenshaw County, Alabama, out of the Gasoline Excise Tax Fund for their services in inspecting the work of maintenance, upkeep and repairing the public roads of Crenshaw County, or for their services in supervising such work on said roads, the sum of Five Dollars (\$5.00) per day for each day so engaged and five cents per mile for each mile necessarily traveled by them in performing such services, said sums to be paid by warrants drawn on the County Treasurer on order of the Court of County Commissioners of Crenshaw County, Alabama.

Section 2. All laws, general, special and local in conflict with

the provisions of this Act, are hereby repealed in so far as they relate to Crenshaw County.

Section 3. This Act goes into effect immediately upon its passage and approval by the Governor.

Approved September 30, 1947.

No. 503)

(H. 918—Evans

### AN ACT

To abolish the county court in Choctaw County, Alabama; to provide for the transfer of all causes pending in said court to the inferior court of Choctaw County; and to provide for the disposition of all unsatisfied judgments, executions, and forfeitures in said Court.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That the county court in Choctaw County, Alabama, be and the same is hereby abolished.

Section 2. That all causes now pending and undisposed of in said court, together with all papers and documents relating to said causes, including affidavits and warrants of arrest, shall be immediately transferred to the inferior court of Choctaw County for its consideration and action.

Section 3. That all unsatisfied judgments, executions, and forfeitures in said court shall be enforced and returns thereof made to the inferior court of Choctaw County in the same manner and with the same force and effect as if said judgments, executions, or forfeitures had been originally entered by or issued from the inferior court of Choctaw County.

Section 4. That immediately after the effective date of this Act the judge of said court shall certify to the inferior court of Choctaw County, all causes pending and undisposed of in said court and all unsatisfied judgments, executions and forfeitures in said court, together with all papers and documents relating thereto, including affidavits and warrants of arrest.

Section 5. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 6. That this Act shall become effective on the last day of the month in which it is passed and approved by the Governor or otherwise becomes a law.

Approved September 30, 1947.

No. 504)

(H. 919—Evans

### AN ACT

To create and establish an inferior court in Choctaw County, Alabama, to be known as the Inferior Court of Choctaw County; to define its jurisdiction; to fix its terms; to provide for its officers; to define their powers, duties



and authority; to fix their compensation; and to provide for the rules of procedure and the operation of said court.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That there is hereby created and established an inferior court in Choctaw County, Alabama, to be known as the Inferior Court of Choctaw County, which said court shall have and exercise the jurisdiction hereinafter provided.

Section 2. That the Inferior Court of Choctaw County shall have original jurisdiction, concurrent with the circuit court of Choctaw County, of all misdemeanors committed in Choctaw County; preliminary jurisdiction of all felonies, concurrent with the several justice of the peace courts in said county, committed in Choctaw County, and all other jurisdiction which is now or which may hereafter be conferred by general law upon the county courts of this State.

Section 3. That a term of the Inferior Court of Choctaw County, for the trial of misdemeanors, shall be held on the first Monday of every week, or on such other day of every week as the judge of said court may designate, at the court house of the county, and may continue until the business of the court is disposed of. Said court shall be open, at the discretion of the judge thereof, any day during the week, except Sunday, for the trial of offense coming within its jurisdiction, in all cases where the party or parties charged cannot give bond and security for their appearance at the regular terms of said court or desire an immediate trial; and, in such cases, causes may be continued for good cause shown under the regulations governing the continuance of causes in county courts; but nothing herein contained shall be so construed as to prevent or interfere with the regular terms of said court.

Section 4. That the judge of probate of Choctaw County shall be ex officio judge of the Inferior Court of Choctaw County, and the clerk of the circuit court of Choctaw County shall be ex-officio clerk of the Inferior Court of Choctaw County shall have all the duties, powers and authority which are now or which may hereafter be conferred by general law upon the judges and clerks of the county courts of the State. The sheriff of Choctaw County shall, in person or by deputy, attend upon the Inferior Court of Choctaw County, preserve order, execute all writs of process issued therefrom, and perform such other duties as he is required by law to perform in the circuit court of Choctaw County.

Section 5. That the judge of the Inferior Court of Choctaw County shall receive an annual salary of \$1,200.00 payable in equal monthly installments out of the county treasury on his warrant; and such salary shall be the only compensation allowed to the judge of said court for services rendered in and about such court.

Section 6. That the clerk of the Inferior Court of Choctaw County shall receive as compensation for his services in said court,

the same costs, fees, and compensation as are now allowed by law to clerks of county courts in criminal cases, which costs, fees and compensation shall be paid in like manner; and, in addition thereto, he shall receive an annual salary of \$300.00, payable in equal monthly installments out of the county treasury on the warrant of the judge of said court.

Section 7. That the sheriff of Choctaw County shall receive the sum of \$2.00 per day for attendance upon the Inferior Court of Choctaw County, payable out of the county treasury on the warrant of the judge of said court, and for other services rendered by him, other than attendance upon said court, he shall receive the same costs, fees, and compensation as are allowed by law for similar services performed by sheriffs in the county courts of this State, which costs, fees and compensation shall be paid in like manner.

Section 8. That the Inferior Court of Choctaw County, shall be governed by the same rules of procedure as govern the county courts of this State; and all laws pertaining to the operation of the county courts of this State, not in conflict with the provisions of this Act, shall pertain to the operation of the Inferior Court of Choctaw County.

Section 9. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 10. That this Act shall become effective on the first day of the month following the month in which it is passed and approved by the Governor or otherwise becomes a law.

Approved September 30, 1947.

No. 505)

(H. 920—Quarles, Givhan, Frazier and Molette

#### AN ACT

To provide for one additional full-time clerk and two additional part-time clerks in the office of the Judge of Probate of Dallas County, Alabama, and to fix the method and basis of the employment and compensation of such clerks, as provided in Amendment XLVI to the Constitution of Alabama.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That the Judge of Probate of Dallas County, Alabama, is hereby authorized and empowered to employ one additional full-time clerk and two additional part-time clerks in his office, if in his judgment such clerks are necessary to the proper and efficient functioning of his office. Said clerks shall serve at the will and pleasure of the Judge of Probate of Dallas County, Alabama.

Section 2. That the salary of the additional full-time clerk shall be fixed by the county governing body of Dallas County, Alabama, at not exceeding \$2400.00 per annum; and the salaries of the additional part-time clerks shall be fixed by the county governing body of Dal-

las County, Alabama, at not exceeding \$300.00 per annum each. The salaries of said clerks shall be paid out of the general fund of Dallas County, Alabama, in equal monthly installments.

Section 3. That the additional clerks herein provided for are in addition to the clerks in the office of the Judge of Probate of Dallas County, Alabama, now authorized by the provisions of Act No. 181, Local Acts 1943, page 98, approved June 17, 1943, or any other provisions of law now in force and effect; and all laws heretofore passed relating to this subject are continued in force and effect.

Section 4. That this Act is passed under the authority of and in accordance with Amendment XLVI to the Constitution of Alabama.

Section 5. That all laws and parts of laws in conflict herewith be and the same are hereby expressly repealed.

Section 6. That this Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 30, 1947.

No. 506)

(H. 922—Adams (Jefferson),  
Dumas, Gibson, Beatty.

#### AN ACT

To amend Section 365, Title 62, Code of Alabama of 1940.

*Be it Enacted by the Legislature of Alabama:*

That Section 365, Title 62 of the Code of Alabama of 1940 is hereby amended to read as follows: Section 365. Shorthand Reporters. The circuit solicitor of the circuit shall have the power and authority to employ all shorthand reporters necessary to properly report the proceedings before the grand jury and transcribe the same, and stenographer or stenographers for the office work of such solicitor, and fix the compensation of such reporter, stenographer or stenographers, or other assistants, and such compensation shall be payable out of the general fund of said county upon warrants drawn upon the treasurer by the circuit solicitor in favor of such reporter, stenographer, stenographers, or other assistants. The circuit solicitor shall have the power and authority to employ any assistants or assistance and to incur any expense he may deem necessary to properly administer justice, including the payment of any other reporters for taking statements or transcribing testimony or reporting the preliminary trial of felonies in the Jefferson County Court of Misdemeanors, and such expense shall be paid out of the solicitor's fund of such county, provided there is a sufficient amount in said fund to pay said compensation or expenses at the time the same is due under the provisions of this subdivision; provided further, that if there is not sufficient amount in said solicitor's fund to pay such compensation or expenses at said time, the treasurer shall pay said

amounts out of the general fund of said county, when authorized by the board of revenue, on the warrant drawn by the circuit solicitor, provided that the amount so expended or drawn out of the general fund of said county shall not exceed the sum of seven thousand, five hundred dollars in any one year. The said solicitor's fund shall remain in the custody of the treasurer of Jefferson County subject to the payment of the expenses as provided herein on the order of the solicitor of the Tenth Judicial Circuit of Alabama.

Approved September 30, 1947.

No. 509)

(H. 926—Quarles, Givhan,  
Frasier, Molette.

### AN ACT

To authorize and empower the City of Selma, Alabama to convey to the United States of America the area of land in Dallas County, Alabama known as "Craig Army Air Field", together with certain easements for sewerage disposal.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That the City of Selma, Alabama, be and it is hereby authorized and empowered to convey for a nominal consideration to the United States of America the area of land in Dallas County, Alabama known as "Craig Army Air Field", by fee simple deed, (or by deed with reversion clause, on discontinuance of the use thereof for military purposes by the United States of America) as the governing body of said City of Selma, Alabama may deem wise, together with the rights of way and easements for sewerage disposal purposes, now owned by the said City of Selma, Alabama.

Section 2. That such deed as herein authorized shall be executed on proper resolution of the governing body of the City of Selma, Alabama, by the officer or officers designated in such resolution.

Section 3. That this Act shall be effective immediately upon its approval by the Governor of the State of Alabama.

Approved September 30, 1947.

No. 510)

(H. 928—Sullivan, Johnston, Stone

### AN ACT

To amend Sections 1 and 3 of an act of Legislature approved June 28th, 1940 entitled "An Act to place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies,

clerks, guards, and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer." (Local Acts, Alabama, 1939; page 355) as amended by an Act of Legislature approved June 3rd, 1943 entitled "An Act to amend Section 3 of an act entitled: An Act 'To place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer.'" (Local Acts, Alabama, 1943; page 59)

*Be It Enacted by the Legislature of Alabama:*

Section 1. That Sections 1 and 3 of an Act of Legislature approved June 28th, 1940 entitled "An Act to place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards, and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer." (Local Acts, Alabama, 1939; page 355) as amended by an Act of Legislature approved June 3rd, 1943 entitled "An Act to amend Section 3 of an act entitled: An Act 'To place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer.'" (Local Acts, Alabama, 1943; page 59), be and the same hereby are amended to read as follows: Section 1. That the salary or compensation of the Sheriff of Mobile County, Alabama, shall be Seventy-two Hundred (\$7200.00) Dollars per annum, and the said Seventy-two Hundred (\$7200.00) Dollars annual salary or compensation shall be paid out of the County Treasury of

Mobile County, Alabama, in equal monthly installments at the end of each month upon warrants drawn in the same manner as other officers and employees of Mobile County, Alabama. Section 3. The Sheriff of Mobile County, Alabama, may, after the effective date of this act, employ the following assistants at the following rate of compensation, viz: One (1) Chief Deputy Sheriff to receive Forty-two Hundred (\$4200.00) Dollars per annum; not less than Eight (8) Civil and Criminal Deputy Sheriffs to receive not less than Fifteen Hundred (\$1500.00) Dollars each per annum; One (1) Civil and Criminal Deputy Sheriff, who shall also act as Bailiff of the Inferior Court of Mobile County, Alabama, to receive not less than Fifteen Hundred (\$1500.00) Dollars per annum; Three (3) part time Deputy Sheriffs to receive not less than Six Hundred (\$600.00) Dollars each per annum; not less than Four (4) Jail Guards to receive not less than Fifteen Hundred (\$1500.00) Dollars each per annum; One (1) office employee to receive not less than Eighteen Hundred (\$1800.00) Dollars per annum; Two (2) office employees to receive not less than Fifteen Hundred (\$1500.00) Dollars each per annum; One (1) office employee to receive not less than Nine Hundred (\$900.00) Dollars per annum; One (1) Jail Matron to receive not less than One Thousand (\$1000.00) Dollars per annum; One (1) Kitchen Steward to receive not less than Nine Hundred (\$900.00) Dollars per annum. Each of the foregoing assistants shall receive their compensation in equal monthly installments upon warrants drawn in the same manner as other employees of Mobile County. The power and authority to fix the salaries of each and every assistant herein provided for, except the Chief Deputy Sheriff, above the minimum amounts named in this section is hereby conferred on the Personnel Board of the Civil Service System of Mobile County, Alabama; and all assistants affected hereby, except the Chief Deputy Sheriff, shall be subject to all terms and provisions of the Civil Service Act relating to Mobile County, said act having been passed at the 1939 Session and being House Bill #952 and having been approved September 15, 1939. Nothing herein contained shall be construed as depriving the Personnel Board of the Civil Service System of Mobile County, Alabama, of authority to provide additional assistants for the Sheriff of Mobile County, Alabama.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be and the same hereby are repealed to the extent of such conflict.

Section 3. In the event any section, provision, sentence, clause or phrase of this Act shall be held unconstitutional or void, such shall not affect the validity of the remainder of this Act.

Section 4. This Act shall become effective on the first day of the month next succeeding its passage and approval by the Governor or its otherwise becoming a law.

Approved September 30, 1947.

No. 514)

(H. 955—Kaul, Gibson, Beatty, Meeks

## AN ACT

To provide for the relief of Sam Elliott out of the general fund of Jefferson County, Alabama.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That it shall be the duty of the County Commission of Jefferson County, Alabama, to forthwith draw or cause to be drawn upon the County Treasurer of said County, a warrant in the sum of Five Thousand Dollars (\$5,000.00), which said warrant shall be in favor of Sam Elliott to compensate him for head and other bodily injuries, resulting in his permanent disablement, sustained by said Sam Elliott, an employee of said County for twenty-five years, which said injuries were sustained while said Sam Elliott was in the performance of his duties as Convict Warden of Camp Number 2, on March 26, 1937. It shall be the duty of the County Treasurer to forthwith pay said warrant out of the general fund of said County.

Approved September 30, 1947.

No. 515)

(H. 957—Meeks, Gibson,  
Dumas, Beatty.

## AN ACT

To alter the name of the Inferior Court of Ensley; to fix the salary of the Judge of said Court and regulate the payment thereof.

*Be It Enacted by the Legislature of Alabama:*

Sec. 1. That hereafter the name of the said Court is and shall be: Municipal Court of Ensley.

Sec. 2. That the salary of the Judge of the said Court is hereby fixed at Four Thousand Five Hundred Dollars (\$4,500.00) per annum and shall be paid to him out of the Treasury of Jefferson County, Alabama, in equal monthly installments.

Sec. 3. That should any clause, sentence, paragraph, part or section of this act be invalid, such invalidity shall not affect, impair or invalidate the remainder of this act.

Sec. 4. That all laws, general, local and special in conflict herewith are hereby repealed insofar as they conflict herewith.

Sec. 5. That this act shall become effective on the date of its approval by the Governor.

Approved September 30, 1947.

No. 516)

(H. 958—Dumas, Meeks, Beatty  
and Adams (Jefferson)).

## AN ACT

To amend Sections 279, 280, 282, 283, 284, 285, 286, 287, 288, and 289 of Title 62 of the Code of Alabama of 1940.

*Be It Enacted By the Legislature of Alabama:*

I. That Section 279 of Title 62 of the 1940 Code of Alabama be amended to read as follows: Section 279. Unlawful to Practice without license. It shall be unlawful for any person, firm or corporation in Jefferson County, for pay or remuneration of any kind whatever, to engage in, or to follow or attempt to engage in, or to hire himself or herself out as engaging in or following the practice of cosmetology, either as practitioner or apprentice thereof, or to teach the occupation of cosmetology, or to conduct a cosmetological school by whatever name or designation, without obtaining a license from the Board of Cosmetological Examiners. Any shop where cosmetology is practiced, or school where such is taught, shall at all times be under the direct supervision of a licensed cosmetologist.

II. That Section 280 of Title 62 of the 1940 Code of Alabama be amended to read as follows: Section 280. Definitions. Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases for the purposes of this subdivision shall be given the following meanings. A. Practicing Cosmetology. Any person who engages in the practice, for compensation or other reward, in any one or any combination of the following practices: Arranging, dressing, curling, waving, cleansing, singeing, bleaching, coloring, or similar work upon the hair of any living person by any means; or hair trimming of women as a part of women's hair dressing; the use of cosmetics, antiseptics, tonics, lotions, or cream aids with the hands, or mechanical or electrical apparatus or appliances used in massaging, cleansing, stimulating, manipulating, exercising, or beautifying the scalp, face, neck, arms, hands, bust, or upper part of the body for the purpose of beautification shall be defined as and construed to be practicing cosmetology. B. Operator. An operator is any person who has secured a license to engage in and engages in the practices defined in Subsection A. C. Instructor. Any person who is employed by a beauty school or school of beauty culture who instructs in the practice of cosmetology either as to theory or practical demonstrations. D. School of Cosmetology. A school of hair dressing and beauty culture is a place where any person, firm or corporation operates and maintains a class to teach cosmetology, as defined herein. E. Manicurist. A manicurist is a person who practices beauty culture by treating the hands and the fingernails only.



III. That Section 282 of Title 62 of the 1940 Code of Alabama be amended to read as follows: Section 282. Any person who is presently engaged in learning or acquiring knowledge of any or all practices of cosmetology in a regularly licensed school of cosmetology under the immediate supervision of a licensed instructor of cosmetology, but who has not completed a course of six months shall be known as an apprentice or student of cosmetology and shall be so registered with said Board of Cosmetological Examiners until he or she shall have served the required six months as such, and at the expiration of such period of six months, application may be made for examination for a licensed cosmetologist. Upon application to the Board in due form, accompanied by the required license fee, a person registered as a cosmetologist of any branch of cosmetology under the laws of another state or territory of the United States, or the District of Columbia, shall without examination (unless the board, in its discretion, sees fit to require examination), be granted a license to practice the occupation or occupations in which such person was so registered upon the following conditions: The applicant must not be less than eighteen years of age, of good moral character, and the requirements for registration or license of cosmetologist, and those engaged in the practice of any branch of cosmetology, in the particular state, territory, or District of Columbia, were at the date of such previous registration or licensing, substantially equal to the requirements then in force in this State. All applications must clear through the National Council of Board of Beauty Culture unless the Board is convinced that said applicant is otherwise qualified under the foregoing provisions.

IV. That Section 283 of Title 62 of the 1940 Code of Alabama be amended to read as follows: Section 283. Qualifications for Permission to Practice Cosmetology. The Board shall determine the qualifications of each applicant for examination on the following basis: A. Such proof as the board by rule, may require of good moral character. B. Such proof as the board, by rule, may require that the applicant is free from contagious or infectious diseases. C. That the applicant shall provide the Board with a certificate from a licensed school of Beauty Culture approved by the Board as herein referred to and described, showing that the applicant has satisfactorily completed all the courses of instruction provided by this approved school, which certificate shall be signed and verified by the individual owner or owners of the approved school, if owner be an individual or partnership, or the proper and lawful officer, if a corporation; in any case, before an applicant shall be eligible to receive such a certificate, the applicant shall have received in accordance with the curricular established by the Board 1500 hours of instruction in theory and practice in classes actually attended by the applicant except for manicuring only, in which case, 250 hours of instruction shall be deemed sufficient. D. Payment of an

examination fee of \$5.00, except for manicuring only, in which case the examination fee shall be \$3.00. 2. Examination. Upon the determination by the Board of the sufficiency of the qualifications of the applicants for examination as an operator, the Board shall conduct theoretical examinations and practical examinations, in accordance with the rules promulgated and prescribed by the Board. 3. Requisites of Examination. Such examination shall include both practical demonstration and written or oral tests, which shall include business management and shall not be confined to any specific system or method of hair dressing or beauty culture, and such examination shall be consistent with the practical and theoretical requirements as provided by this sub-division. If a student shall fail to pass this examination, he or she shall be required to take further training before being permitted another examination, such further training time shall be specified by the Board, but shall not exceed 200 hours; upon compliance with all provisions herein referring to schools, together with compliance with the rules and regulations lawfully prescribed hereunder.

V. That Section 284 of Title 62 of the 1940 Code of Alabama be amended to read as follows: Section 284. Licenses for shops or schools. Any person, firm, or corporation may apply to the Board of Cosmetological Examiners in Jefferson County for a license to operate a beauty shop, school of Cosmetology, or beauty school within the meaning of this subdivision, by making written application to such Board of Cosmetological Examiners. The Board, if convinced that said applicant has met all of the requirements of this Act and the rules and regulations promulgated thereunder shall issue said beauty shop or school of cosmetology the license to operate under this subdivision upon receipt of the payment of a fee as follows: for a beauty shop, \$10.00; for a school of cosmetology, \$50.00; provided, however, that no person, firm, or corporation shall operate a combination beauty shop and beauty school and no beauty shop shall teach or train a student or an apprentice preparatory to examination as a cosmetologist, and no beauty shop shall at any time train or teach a student for hire or reward. No beauty shop or school shall employ an operator or instructor unless they shall have first qualified with the Board and secured a license.

VI. That section 285 of Title 62 of the 1940 Code of Alabama be amended to read as follows: Section 285. Requirements of a school teaching Cosmetology. (a) Any person, firm or corporation desiring to establish a hairdressing and beauty culture school shall apply to the Board for a certificate of approval for such school, and have such school rated by the Board as an approved school in hairdressing and beauty culture, and placed upon its list of such approved schools, upon compliance with the following provisions: Each applicant, whether individual, firm or corporation, shall, prior to the opening of said school, present to such board a verified application containing the following information: 1. Full name of

individual, firm, or corporation; including all the members, owners, partners, and directors of such firm or corporation and, if the corporation is a foreign corporation, or if the individual persons or partners applying for such certificate of approval are not residents of the State of Alabama, then the application shall designate a resident agent for service; 2. The previous occupation of such individual or individuals, firm, or corporation and complete information concerning the occupations of the directors in the case of a corporation; 3. A complete financial statement showing all the assets and liabilities of the applicant and, if the applicant is an individual or partnership, a complete financial statement showing all assets and liabilities of the individual or of the individual partners; 4. A complete plan of operation setting forth such information relating thereto as the board in its application form may lawfully require. Upon receipt of such application, the board shall, within 45 days, set the application for public hearing. B. Qualifications: At the time set for hearing of the application, the applicant shall show by competent evidence its qualifications. After the duly held hearing and upon proper showing at the hearing of the qualifications of the applicant, the board may then issue a certificate of approval to the school. C. Financial Responsibility: The Board shall take into consideration the financial qualifications of the applicant and in no case shall the board grant a certificate of approval to any applicant if the applicant fails to show sufficient financial worth and responsibility to properly conduct a school and fails to assure the board that the applicant's financial resources will be ample to maintain and operate the school and assure the graduation of students who are registered with and have paid their tuition to the school. D. Misrepresentations to disqualify applicant: If the applicant, prior to the issuance to it of a certificate of approval knowingly makes any false or fraudulent statements or in any way misrepresents or makes false statements in its application, the applicant shall be disqualified and no certificate of approval shall be granted to it by the board. E. Fraud cause for Cancellation of Certificate of Approval: Should any applicant, after receiving a certificate of approval from the Board, be found guilty of committing fraud, the Board shall have the authority to revoke and cancel the certificate of approval. F. Limitation of transfer of Certificate: The certificate of approval shall be transferable only to such persons, individuals, or corporations who shall make a showing to the board of financial responsibility, in the same manner as required of an original applicant. G. An approved school shall maintain upon its staff one full time competent and qualified instructor for each 20 students; such instructor must have had one year or more experience as a licensed operator. Such school shall give and require a course of training and instruction of 1500 hours of classroom work divided into classified hours conforming with the curriculum issued by the Board, provided however that

the course of instruction in theory shall not be less than 150 hours or more than 250 hours said hours not to exceed eight hours per day; to include both practical instruction and study and recitation in sanitation, sterilization, and the use of antiseptics consistent with the practical, theoretical requirements as applicable to, and as provided in this chapter, and shall comply with all rules and regulations relating to schools as in this chapter contained. Where the registrant in a school is enrolled for the entire beauty course, the requirements set forth by this chapter relating to the hours of study in manicuring may be modified at the discretion of the Board. H. Each approved school shall display in the entrance reception room of its student section, a sign indicating that all work therein is done exclusively by students. The foregoing provision as to 1,500 hours shall not apply to students having duly enrolled in schools prior to the passage of this Act. I. Charges for Student Work: Nothing contained in this chapter shall prevent any duly approved school teaching hairdressing and beauty culture from making a charge for student work done in the school to cover the cost of materials used and expenses incurred in and for the operation of the school. All practice of cosmetology done in a school shall be advertised, and held forth as being student work and not otherwise. J. All teachers and instructors shall be prohibited from practicing cosmetology for pay or hire, directly or indirectly.

VII. That Section 286 of Title 62 of the 1940 Code of Alabama be amended to read as follows: Section 286. Refusal and Revocation of License. The Board may refuse to issue or renew or may suspend or revoke any license for any one or combination of the following causes: (a) The conviction of a felony in any Court of this State or of any State in the United States. (b) Gross Malpractice of gross incompetency or of conduct involving moral turpitude. (c) knowingly having an infectious or contagious disease. (d) Addiction to habitual drunkenness, use of cocaine, morphine or other habit forming drugs. (e) Advertising by means of knowingly false or deceptive statements. (f) Performing any of the services of cosmetology on Sunday. (g) The violation of any provision of this act or any of the rules and regulations promulgated by the Board as provided for in this act. (h) Immoral or unprofessional conduct. Provided, however, that no person shall have his or her license revoked or be refused his license or an examination for a license or be denied a renewal of his license without a public hearing by any such Board of Cosmetological Examiners if the same is demanded in writing to the Board by the accused within ten days after notice of such revocation or refusal has been made by said Board. The accused shall have twenty (20) days in which to prepare his or her defense and procure evidence in his or her behalf. At such hearing, the Board shall compel the attendance of witnesses and the production of books and papers by subpoena, and shall also have the power to administer oaths. All fees and

mileage shall be the same as prescribed by law in judicial procedure in the Courts of this State in Civil cases. Any party to a hearing shall have the right to attendance of witnesses in his behalf. In case of disobedience to a subpoena, any member of the Board may invoke the aid of any Court of competent jurisdiction in requiring the attendance and testimony of witnesses and the production of papers and such Court may issue an order requiring the person to appear before the Board and give evidence or produce papers, as the case may be, and any failure to obey such order of the Court may be punished as a contempt thereof. Any person so refusing to appear and give testimony required by said Board shall be guilty of a misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be punished as provided by law. The findings of the Board may be reviewed by a writ of certiorari by filing in the Circuit Court of the county wherein said action or order was taken or made, a verified petition setting out the special order or action or any parts thereof, whereby said person deems himself aggrieved, and such court shall only consider such matters as are contained in the Petition. Upon such petition being so filed, a writ of certiorari shall be issued out of said court, directed to the Board, requiring it to file with the court the records upon which such action or order was made and requiring said Board to file an answer to said petition within thirty (30) days after service of said writ and upon said Board's filing said answer, issue shall be joined thereon without further pleading and the case considered on said petition, the record of said Board, and the answer filed by said Board, but no new or additional evidence shall be taken or heard by the Court. If new or additional evidence is discovered by any party after the hearing by the board, the same may be made grounds for a motion for a new hearing before the Board under the rules applicable for similar motions for a new trial in the Circuit Court of the State of Alabama. All such cases shall be given preferred setting and shall be heard by the Court as soon as possible after issue is joined. Such Court shall have the power to suspend or stay such order or action by the Board complained of in such petition, pending final hearing only upon petitioner in error executing a bond with at least one solvent surety payable to the Clerk of the Court wherein the case will be tried, condition to prosecute such petition to a successful conclusion, and upon failure to do so, to pay all costs and damages which may be taxed against him by the said Circuit Court. Upon final hearing such Court shall have jurisdiction to reverse, sustain, or modify the order complained of if upon consideration of the issues before the Court the Court is of the opinion that the order is unlawful or unreasonable. Nothing in this section shall be construed as depriving a defendant in a criminal prosecution of a trial by jury, arising out of a violation of any provision of this chapter. 2. Additional remedies. The Board may institute such action at law or in

equity as may appear necessary to enforce compliance with any provisions of this chapter or any lawful order, rule or regulation of the Board and in addition to any other remedy under this chapter, the Board may apply for relief by injunction, mandamus, or any other appropriate remedy in equity without being compelled to allege or prove that an adequate remedy does not otherwise exist, nor shall the Board be required to give or post bond in any action to which it is a party with, upon appeal or otherwise.

VIII. That Section 287 of Title 62 of the 1940 Code of Alabama be amended to read as follows: Section 287. Board of Cosmetological Examiners. For carrying out the provisions of this subdivision, there shall be a Jefferson County Board of Cosmetological Examiners herein sometimes referred to as "the board". The present members of said board having been previously appointed by the County Commission shall serve for the duration of their term but in the event of a vacancy existing at the time of the taking effect of this act or occurring in the future, said vacancy shall not be filled until the number of said board members is reduced to three. It being the intention of this act to reduce the membership of said Board to three members as vacancies occur. All appointments to be made by the County Commission or like governing body of the County. Board members shall be named and shall be practitioners of cosmetology of not less than five years' experience in this state and shall reside in Jefferson County. The members of the Board shall be appointed for a term of two years and those appointed to fill interim vacancies, shall be appointed only for the unexpired terms of their predecessors. No member of the Board shall directly or indirectly be engaged in or interested in selling cosmetological fixtures or supplies and each of such members shall be a qualified voter of the county in which he is appointed at the time of his appointment and during the term he holds his office. The Board shall keep a record of all proceedings subject to public inspection, and a register of all applicants and registrants, and said Board shall have authority to make reasonable rules and regulations for the operation of schools of cosmetology and beauty shops and the practice of cosmetology, not inconsistent with this act as it shall deem necessary for carrying out the provisions of this act, and from time to time alter, repeal or amend such regulations, or any of them. The County health officer shall appoint, and at his pleasure remove an inspector, who shall be under the supervision of the Board of Cosmetological Examiners and the County health officer, and such inspector shall not engage in business as a cosmetologist, operate a cosmetology school, nor be directly or indirectly engaged in selling cosmetological fixtures or supplies in any way while serving as such inspector, nor shall such inspector be related by blood or marriage to any member of the Board. Such inspector shall have the authority to enter upon and inspect any school or shop of cosmetology in

said county for the purpose of enforcing the provisions of this subdivision; and he shall report in writing on the health conditions found therein to the county health officer. Such inspector when appointed by the county health officer shall for his services receive a salary, which shall be paid on the order of the Board of Cosmetological Examiners and with the approval of the chairman of the county commission. Such salary shall be fixed by the County Commission of Jefferson County and all reasonable expenses allowed and approved by the Board of Cosmetological Examiners and the chairman of such County Commission, all of which payments and the other payments herein authorized shall not exceed the total revenue received from licenses and fees paid under this subdivision, during the fiscal year. A copy of all rules and regulations adopted by the Board shall be furnished to the proprietor of each shop and school of cosmetology. The report herein above required to be made to the county health officer shall be made in writing and shall contain such matters as may be required by such county health officer and a copy of such report shall in all instances be furnished to the Board. No two members of said board shall be a part owner of, or employed by, or work in any one shop or school of cosmetology while in office.

IX. That Section 288 of Title 62 of the 1940 Code of Alabama be amended as follows: Section 288. Election of officers and board duties. The members of such board shall, after their appointment, annually elect from among their members a chairman and may do all things necessary or convenient for carrying into effect the provisions of this subdivision. The members of the Board shall serve in their capacity as members of said Board and perform their duties as set out and provided in this subdivision, without compensation except as herein otherwise provided. The Board shall obtain such office space, furnishings, and other proper conveniences as it shall deem reasonably necessary for carrying out the provisions of this subdivision. The county governing body may assign such to it in the court house provided that the actual cost to the county shall be paid by the board. The principal office of said Board is to be located at the county seat of said county. The board shall adopt a seal with such design as it may prescribe engraved thereon by which it shall authenticate its proceedings. Copies of all records and papers in the office of the board duly certified and authenticated by its seal shall be received in evidence in all courts with like effect as the original. All fees and charges collected by the Board under the provisions of this subdivision shall be paid into the treasury of the respective counties hereby affected, and shall constitute a separate fund. All expenses incurred by the Board shall be paid out of such separate fund upon the order of the board, by checks approved by the chairman of said board of county commissioners, or other like governing body, provided the total of such payments for every purpose shall not ex-

ceed the total fees, licenses and charges collected and paid into the county treasury by such board, and all monies remaining in such separate funds at the end of the county's fiscal year, not expended as herein provided, shall become a part of the general fund of such county. The members of each board shall at least every six months hold an examination for the purpose of determining the qualifications of applicants to become cosmetologists and shall be paid the sum of twenty dollars per day each for holding such examination provided that no member of such board shall receive more than two hundred forty dollars for such services in any one year. A majority of the board shall constitute a quorum.

X. That Section 289 of Title 62 of the 1940 Code of Alabama be amended as follows: Section 289. Each such board shall require each operator whether employed in a shop and subject to the license imposed by Section 473 of Title 51, or working in a shop on piece work, or commission, or as an independent contractor and therefore not liable to such license, each school of cosmetology and each beauty shop in its respective county to renew their license hereunder once a year by requiring each of the above to make application to the board for such renewal license and such renewal application shall be accompanied by a renewal fee as follows: for operators, three dollars; for shops, ten dollars; for schools, fifty dollars, and there shall be attached to each application of an operator for renewal a sworn certificate of health of said applicant issued by a registered licensed physician. Upon the approval of said application for renewal by the Board said license shall be issued. A license shall expire on the thirty-first day of December in each year and upon failure to pay said license within 60 days after due date a penalty of 20% shall be added thereto. The holder of an expired operator's license may within three years of the date of the expiration have his or her certificate restored upon the payment of five dollars together with satisfactory proof to the board of the county in which such applicant resides of his or her qualifications to resume practice or occupation. Any person, firm, or corporation violating any of the provisions of this act or rules and regulations adopted under the provisions thereof or any provision for which a penalty is not provided shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not less than \$10.00 ten dollars and not more than (\$500.00) five hundred dollars for each offense and each days violation shall constitute a separate offense.

Approved September 30, 1947.



No. 517)

(H. 960—Meeks, Dumas, Beatty,  
Gibson & Adams (Jefferson)).

## AN ACT

To amend Title 62, Section 639, of the Code of Alabama, 1940.

*Be it Enacted by the Legislature of Alabama:*

Section 1. That Title 62, Section 639, of the Code of Alabama, 1940, be amended so as to read as follows: 639.—SALARIES OF COMMISSIONERS.—The president of the commission shall receive an annual salary of eight thousand six hundred dollars, payable in monthly installments at the end of each month, and each commissioner shall receive an annual salary of seven thousand six hundred dollars, payable in monthly installments at the end of each month, said installments to be paid at the same rate for any portion of the month during which the president or the commissioner shall hold office at the rate thus provided.

Section 2. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Approved September 25, 1947.

No. 521)

(H. 971—Beck

## AN ACT

To provide for meetings and compensation of members of the County Board of Education of DeKalb County, Alabama.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The members of the County Board of Education of DeKalb County shall receive from the public school funds of the county five dollars a day and their actual traveling and hotel expenses incurred in attending meetings of the board, and transacting the business of the board. The members of the board shall not be allowed pay for more than twenty-four days in any one year, and their expenses shall be paid in like manner as provided for the compensation of teachers. They shall not be required to hold teachers' certificates.

Section 2. That all laws and parts of laws in conflict or inconsistent with this act are hereby expressly repealed and this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1947.

No. 535)

(S. 359—Langan

## AN ACT

For the relief of Lonnie Walker, of Citronelle, Mobile County, Alabama.

*Be It Enacted By the Legislature of Alabama:*

Section 1. Appropriation. The sum of three hundred eighty-one dollars and fifteen cents (\$381.15) is hereby appropriated out of any funds in the State treasury not otherwise appropriated, for the relief of Lonnie Walker, of Citronelle, Mobile County, Alabama.

Section 2. Basis of Claim. Payment of the sum appropriated shall be in full satisfaction of the claim of Lonnie Walker for a refund of money paid to the State of Alabama for a conveyance of land sold for nonpayment of taxes, as a result of which transaction, the said Lonnie Walker lost his land and the purchase price thereof and the State of Alabama received payment twice of taxes due for the years 1935-1944.

Section 3. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1947.

No. 536)

(S. 365—Boutwell

## AN ACT

To provide for the collection of delinquent court costs and fees in Jefferson County.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That in all cases in the courts of Jefferson County wherein the costs have been taxed against the plaintiff or plaintiffs and execution therefor returned unsatisfied in whole or in part, or where the costs have been taxed against the defendant or defendants and execution therefor returned "no property found" and thereafter a like return made on an execution issued against the plaintiff or plaintiffs for costs created by the plaintiff or plaintiffs, then any unpaid costs or fees (including library tax fees) in such cases, which if collected would be, under existing law ultimately covered into the County treasury of Jefferson County, shall be deemed delinquent court costs and fees within the meaning of that term when used in this act, and the County may in addition to the procedure now authorized by law, enforce collection thereof by the methods and procedures provided herein.

Section 2. That the License Inspector of Jefferson County shall, in addition to the duties now required of him, be charged with the duty and responsibility of enforcing the collection of delinquent court costs and fees, in the manner and according to

the procedure provided in this act. The License Inspector and his Chief Deputy hereinafter provided for shall have and exercise all the powers and authority, with respect to any execution for delinquent court costs and fees placed in his hands for collection, as the Sheriff and his deputies have with respect to executions placed in the hands of the Sheriff.

Section 3. That where in any case there is now court costs and fees delinquent within the meaning of the first section of this act, it shall be the duty of the clerk of any Court or Register, within a reasonable time, to sever such delinquent court costs and fees from any judgment for damages and from such other costs or fees as may not be payable to or for the use of the County, and issue execution therefor which execution shall be directed to the License Inspector and placed in his hands for collection. That where in any case hereafter court costs and fees are delinquent within the meaning of the first section of this act, it shall be the duty of Clerk of any Court or Register within thirty days from the date that such court costs and fees are deemed delinquent, to sever such delinquent court costs and fees from any judgment for damages and from such other costs or fees as may not be payable to or for the use of the County, and issue execution therefor which execution shall be directed to the License Inspector and placed in his hands for collection. All such executions shall certify the total amount of the Court costs and fees in the case which are delinquent within the meaning of this act and separately the amount for which each party is taxable, but otherwise such delinquent court costs and fees need not be itemized in or on the execution. All such executions shall run against all parties liable to execution for such delinquent court costs and fees and shall authorize the License Inspector to enforce collection from any party of the amount shown by such execution to be payable by such party. No such execution shall be issued in any case where the judgment taxing such court costs and fees is dormant, but in such a case the Clerk or Register may certify the facts with respect to such delinquent court costs and fees to the License Inspector who may if he finds it advisable cause a suit at law to be instituted in the name of the County against any party deemed to be liable for all or any part thereof as upon an implied promise to pay the same, except where the judgment taxing such costs is barred by the statute of limitations.

Section 4. That any execution issued under the provisions of this act shall be a continuing authority to the License Inspector after it is placed in his hands and until it is recalled or expires as hereinafter provided, to enforce collection thereof and in accordance with the tenor thereof, and to collect in addition to the amount called for by such execution the same fees and commissions as are allowed by law to sheriffs for similar services in the collection of executions for costs. All such executions shall be

under the continuing control of the respective courts from which they are issued in the same manner as other processes, and for any legal reasons any such execution may be recalled by the court from which it was issued. If any such execution be recalled an alias execution may be issued which shall have the same force and effect as the original.

Section 5. That in addition to the methods and means which sheriffs are authorized by law to employ in the enforcement of executions for costs placed in their hands, the License Inspector of Jefferson County may levy an execution for delinquent court costs and fees by summoning any person, firm or corporation indebted to any party against whom such execution was issued, or liable to him on a contract for the delivery of personal property, or for the payment of money which may be discharged by the delivery of personal property, or on a contract payable in personal property, or having in his or its possession or under his or its control, any money or effects belonging to such party. The person, firm or corporation so summoned as garnishee shall be required to answer any such writ to the court from which the execution issued. The License Inspector shall serve notice in writing of the issuance of any such garnishment upon each party whose assets are sought to be subjected by such garnishment, if such party be a resident of the State. Any such garnishment writ together with the notice and the return of the License Inspector showing service of the writ and notice shall be forthwith returned to the court from which the execution issued, and upon such return proceedings may be had as in other cases of garnishment, and the same costs and fees shall be taxed for the services of the License Inspector as are allowed to sheriffs for similar services in garnishment cases. The License Inspector shall have authority to execute or cause to be executed a release of any garnishment proceedings pending upon any such execution or suit upon any such execution. Before issuing a garnishment on such execution a notice in writing of not less than 10 days of intention to garnishee must be mailed to party against whom the execution is pending at his then last known address.

Section 6. That all executions for delinquent court costs and fees shall continue in force and effect for ten years from date of issuance unless sooner recalled in the manner hereinabove provided. The License Inspector shall have authority to accept partial or installment payments thereon from time to time within his discretion. He shall have authority to file any such execution with the Probate Judge, whereupon it shall be the duty of the Probate Judge to record, register, and index such execution in all respects as is required as to a certificate of judgment rendered by the Circuit Court, and when so filed any such execution shall be a lien in favor of the County on all property of any party against whom such execution was issued, which is subject to levy and sale under execution, and such lien shall continue for ten years after date of

issue of such execution, and the County shall have the same remedies for the enforcement of such lien as is given by law to the plaintiff in a registered judgment or decree.

Section 7. That all fees and commissions earned by the License Inspector for any services rendered by him in the discharge of the duties imposed upon him by this act shall be the property of Jefferson County and when collected shall be paid into the County treasury. The License Inspector shall not later than the tenth day of each calendar month pay into the county treasury all sums received by him during the preceding calendar month as collections on executions for delinquent court costs and fees together with all sums received by him during such preceding month as fees and commissions for services rendered in the enforcement of such executions. When the License Inspector has collected in full any execution for delinquent court costs and fees he shall promptly certify such fact to the Clerk or Register of the court from which the execution issued, which certificate shall identify the execution and show the amount paid by each party, which payments shall be noted by the Clerk or Register on the fee book or other similar record where the fees and costs for which such execution was issued are charged, and the License Inspector shall mark satisfied on the probate records any such execution filed with the Probate Judge.

Section 8. There is hereby created and established the position of Chief Deputy License Inspector to be appointed by the County Commission or other governing body of Jefferson County, Alabama. Such person to be so appointed shall be selected from the personnel of said County in the classified service without competitive examination, and shall have had experience in the computation and collection of court costs, and must have knowledge of the affairs of the courts generally and especial familiarity with the way and manner in which court costs are charged and collected. The Chief Deputy License Inspector shall be particularly charged with the responsibility of performing and discharging the powers and duties imposed upon the License Inspector by this act. The County Commission shall require the Chief Deputy License Inspector to enter into bond in such penalty as the Commission may prescribe conditioned to faithfully perform his duties and to account for all monies coming into his hands, the premium on such bond to be paid out of the general funds of the County. The position of Chief Deputy License Inspector hereby created shall be subject to the classified service and the provisions of the County-wide Civil service law in effect in said County. The salary of the Chief Deputy License Inspector shall be fixed by the County Commission or other governing body of Jefferson County, to be paid out of the County Treasury, as other County employees, and in accordance with existing Civil Service regulations.

Section 9. That it shall be the duty of the County Commission or other like governing body of Jefferson County to provide

suitable quarters for the License Inspector, necessary clerical and other help, and to furnish him with all such books, stationery, papers, machines and other things deemed by such commission or other like governing body as necessary for the proper performance of the duties imposed upon him by this act.

Approved October 2, 1947.

No. 537)

(S. 368—Barrett

# AN ACT

To alter and re-arrange the boundaries of the Town of Aliceville, Pickens County, Alabama.

*Be It Enacted By the Legislature of Alabama:*

Section 1. That the boundaries of the Town of Aliceville, Pickens County, Alabama, be and the same are hereby altered and re-arranged so as to be defined by the following described lines and to include all of the territory within said described lines, to-wit: Begin at a point on the Section line 170 feet North 5 degrees, 2 minutes West of the Southwest Corner of Section 24, Township 22, South, Range 16, West and run thence North 5 degrees, 2 minutes West a distance of 7,206 feet to a point 760 feet North of the Southwest Corner of the Northwest Quarter of the Southwest Quarter of Section 13, Township 22, South, Range 16, West, thence North 87 degrees East a distance of 11,123 feet to a point 780 feet North of and 1,110 feet East of the Southwest Corner of the Northeast Quarter of the Southeast Quarter of Section 18, Township 22, South, Range 15, West, thence South 2 degrees, 30 minutes East a distance of 8,000 feet to a point 740 feet South of and 1,020 feet East of the Northwest Corner of the Northeast Quarter of the Northeast Quarter of Section 30, Township 22, South, Range 15, West, thence South 87 degrees West a distance of 9,284 feet to a point 634.5 feet South of the Northeast Corner of the Northwest Quarter of the Northwest Quarter of Section 25, Township 22, South, Range 16, West, thence (around the former U. S. Government Prisoner of War Camp) South 3 degrees, 30 minutes East a distance of 2,021.8 feet to the Southeast Corner of the Southwest Quarter of the Northwest Quarter of Section 25, Township 22, South, Range 16, West, thence North 87 degrees, 18 minutes East a distance of 1,552.3 feet to the Northeast Corner of the Northeast Quarter of the Southwest Quarter of Section 25, Township 22, South, Range 16, West, thence South 2 degrees, 40 minutes East a distance of 2,623.1 feet to the Southeast corner of the Southeast Quarter of the Southwest Quarter of Section 25, Township 22, South, Range 16, West, thence North 87 degrees, 6 minutes East a distance of 1,513.9 feet to the Southwest Corner of the Southeast Quarter of the Southwest Quarter of Section 25, Township 22, South, Range 16, West, Huntsville Meridian, thence

South 3 degrees, 30 minutes West a distance of 3,197.3 feet to the Southeast Corner of the Northeast Quarter of the Northwest Quarter of Section 2, Township 24, North, Range 2, West, St. Stephens Meridian, thence South 85 degrees, 3 minutes West a distance of 4,304.5 feet to a point 310 feet West of the Southeast Corner of the Northwest Quarter of the Northeast Quarter of Section 3, Township 24, North, Range 2, West, St. Stephens Meridian, thence North 2 degrees, 19 minutes West a distance of 5,997.4 feet to a point 920 feet North of the Southwest Corner of the Southwest Quarter of the Northeast Quarter of Section 26, Township 22, South, Range 16, West, Huntsville Meridian, thence North 52 degrees, 18 minutes East a distance of 3,283.5 feet to the point of beginning; containing and including all of Section 24, parts of Sections 13, 23, 25, 26 and 36 in Township 22, South, Range 16, West and parts of Sections 18, 19 and 30 in Township 22, South, Range 15, West, all Huntsville Meridian and parts of Sections 2 and 3 in Township 24, North, Range 2, West, St. Stephens Meridian.

Section 2. Be it Further Enacted, that all laws and parts of laws, either general or special, in conflict with the provisions of this act be, and the same are hereby repealed.

Section 3. That this act shall go into effect upon approval by the Governor.

Approved October 8, 1947.

No. 539)

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### AN ACT

(S. 377—Wright)

For the relief of U. H. Lakey as compensation for injuries received by him while acting in the line of duty as a Deputy Sheriff; to authorize and direct the governing body of Talladega County to pay U. H. Lakey the sum of \$1,000.00 as compensation for such injuries.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The governing body of Talladega County, Alabama is hereby authorized and directed to pay to U. H. Lakey the sum of \$1,000.00 out of the general funds of said County as compensation for injuries received by him while acting in the line of his duty as a Deputy Sheriff of Talladega County, Alabama.

Section 2. This act shall take effect upon its passage and approval by the Governor.

Approved October 8, 1947.

No. 540)

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### AN ACT

(S. 379—Mize)

To create a Hospital Board in Tuscaloosa County, Alabama, to be known as the Druid City Hospital Board and to provide for its officers, fix its number, authorize and regulate its proceedings, prescribe its duties and qualifications and terms of office of its members; to authorize the said Druid City Hospital Board to acquire suitable sites therefor and to build,

construct, equip, alter, change, operate, maintain and supervise said hospital owner and to be owned jointly by the County of Tuscaloosa and the City of Tuscaloosa, for the reception, treatment and care of the sick, wounded and infirm and of people in need of hospital care in Tuscaloosa County; to provide for the appointment of the members of said Druid City Hospital Board and of their successors and to provide for their removal and the appointment of their successors; to provide that said Hospital Board shall serve without compensation and to provide for the reception, treatment and care of the sick, wounded and infirm and of people in need of hospital treatment and care in said Druid City Hospital, which hospital shall be a non-profit institution operated mainly for charity; to provide that said Druid City Hospital Board shall supersede all other boards and shall have, take and exercise complete possession, dominion, charge, control and direction of all the assets, property, personnel and income of said hospital and may maintain suits for the recovery of all debts and obligations to, and property of, said Druid City Hospital and to provide for the repeal of laws contrary hereto and the effective date hereof.

*Be It Enacted By the Legislature of Alabama:*

Section 1: That there is hereby created a Hospital Board in Tuscaloosa County, Alabama, to be known as the Druid City Hospital Board, which Hospital Board is empowered to contract and be contracted with and to acquire suitable sites therefor and to build, construct, equip, alter, change, maintain, operate and supervise a public general hospital owned, and to be owned, jointly by the County of Tuscaloosa, Alabama, and the City of Tuscaloosa, Alabama, to be known as the Druid City Hospital, including the Druid City Hospital now being operated and maintained, for the reception, treatment and care of the sick, wounded and infirm and of people in need of hospital treatment and care. Said Druid City Hospital Board shall make such rules and regulations as are necessary or desirable for the proper operation of said hospital and the admission and conduct of doctors, physicians and surgeons, patients and others in said hospital and fix and regulate the duties and conduct of its officers, agents and employees and determine the number and remuneration thereof. Monthly reports of its operations and financial standing and affairs shall be duly made to the Druid City Hospital Board.

Section 2: The Druid City Hospital Board hereby created shall be composed of nine members, two of whom shall be appointed by the governing body of Tuscaloosa County, two of whom shall be appointed by the governing body of the City of Tuscaloosa, two of whom shall be appointed by the Tuscaloosa County Medical Society from among their membership, one of whom shall be appointed by the governing body of the City of Northport, and one of them shall be appointed by each Circuit Judge of Tuscaloosa County, and all of whom shall be qualified electors of Tuscaloosa County. Such members of said Hospital Board shall be appointed immediately after this act becomes a law, and those first appointed



by the governing bodies of the City of Tuscaloosa and the City of Northport shall serve for a period of one year from the first day of the first month after this law becomes effective, those first appointed by the governing body of Tuscaloosa County and the Presiding Judge of the Circuit Court of Tuscaloosa County shall serve for a period of two years from the first day of the first month after this law becomes effective and those first appointed by the Tuscaloosa County Medical Society and any other Judge of the Circuit Court of Tuscaloosa County shall serve for a period of three years from the first day of the first month after this law becomes effective, and each of their successors shall serve for a period of three years from the expiration of the terms above fixed so that the terms of three members of said Board shall expire each year, and each member shall serve until his successor is duly appointed and qualifies. The term of each member of said Druid City Hospital Board shall thereafter be three years. The authorities hereinabove designated to appoint such members shall appoint the successors of each member upon the expiration of this term. The members of such Druid City Hospital Board shall serve without compensation and shall be chosen because of their character and fitness, and no person shall be appointed or elected to this Hospital Board who is in any way subject to the authority of the Hospital Board or who is a member of the Governing Board of the City of Tuscaloosa or of Tuscaloosa County or employed by them. In the event of a vacancy in the membership of said Hospital Board created hereby the appointing authority originally appointing such member who has ceased to be a member shall fill such vacancy for the unexpired term. The Druid City Hospital Board hereby created shall meet monthly on the first Thursday in each month and at such other times as the board may direct. No motion or resolution shall be adopted without the concurrence of the majority of the whole board. The rules generally adopted by deliberative bodies for their government shall be observed by said Druid City Hospital Board unless said Hospital Board shall determine otherwise.

Section 3: The Druid City Hospital Board hereby created shall on the first day of the first month after this act becomes law supersede any and all other Boards heretofore appointed or elected for the government or control of said Druid City Hospital, now being operated jointly by the City of Tuscaloosa and Tuscaloosa County, and the Hospital Board created hereby shall immediately thereafter take, exercise and have complete possession, dominion, charge, control and direction of all the assets, property, personnel and income of said Druid City Hospital now being operated jointly by the City of Tuscaloosa and Tuscaloosa County, as well as any other hospital erected or maintained by said Druid City Hospital Board, and said Hospital Board hereby created may maintain suits

for the recovery of all debts and obligations due to and property and other assets of, said Druid City Hospital, and the protection thereof, and do all other things necessary to operate and maintain said hospital.

Section 4: It is the aim of this act to provide a Hospital Board of patriotic citizens actuated by humanitarian outlook and interest who shall serve for the common good without compensation and at the same time to create a Hospital Board so selected as to be free as possible from politics and selfish interests who will maintain and operate ample and suitable hospital facilities for the sick and suffering in a scientific and economical way, and all appointing authorities will bear this in mind in the choice and selection of members of the Druid City Hospital Board.

Section 5: The Hospital Board hereby created may form an Executive Committee and Building Committee and direct, authorize and empower said Executive Committee and Building Committee to do and perform such acts as said Hospital Board may determine toward the construction of a new hospital and the acquiring of sites therefor and to act for said Hospital Board as to any other matters and things it may determine and may confer such powers and authority on said Executive Committee or Building Committee as said Druid City Hospital Board may determine from time to time to confer and the powers and authority and duty of said Executive Committee or Building Committee may from time to time be restricted, altered, changed or enlarged as the Druid City Hospital Board may determine. Other committees may be also created and their duties, power and authority defined and fixed by said Hospital Board from time to time. Said Hospital Board hereby created is also authorized to hire and engage a suitable number of employees, nurses, architects and others to construct, maintain and operate said hospital.

Section 6: That said Druid City Hospital shall ever be operated and maintained as a non-profit public general hospital where needy people who are unable to pay for hospitalization, as well as those who are able to pay therefor, may have and receive medical and hospital care, attention and treatment, and said hospital shall never be operated for gain or profit, and those who are able to pay shall pay reasonable charges and fees for care, attention and treatment in said hospital; provided that all amounts received from pay patients shall be applied to defraying the expenses and costs of the operation and maintenance of said Druid City Hospital and that neither the City of Tuscaloosa nor Tuscaloosa County shall ever get or receive or have inure to them any profit or gain from said hospital or the operation or maintenance thereof.

Section 7: That said Druid City Hospital Board hereby created shall receive and may receipt for all taxes levied or collected for said Druid City Hospital and may accept charitable gifts

and trusts to be used for the charitable hospital purposes hereinabove fixed.

Section 8: That in addition to charity patients provided for by the Hospital Board other indigent patients in Tuscaloosa County needing hospitalization may be admitted to said Druid City Hospital upon certificate issued by either the governing body of Tuscaloosa County or of the City of Tuscaloosa with the further proviso that said City of Tuscaloosa or County of Tuscaloosa so issuing said certificate shall be required to pay all hospital fees and charges for such patients as may be admitted to such hospital on their respective certificates and shall make due appropriation therefor.

Section 9. That after said Hospital Board is appointed, as herein provided, it shall elect one of its members as Chairman, another as Vice-Chairman and another as Secretary, and shall do this annually thereafter and whenever a vacancy occurs. It shall be the duty of the Chairman, and in the absence of the Chairman of the Vice-Chairman, to preside at all meetings of said Hospital Board, and to call the Hospital Board together when requested by a majority of the members thereof, and when in his discretion he deems it necessary or advisable and to do and perform such other duties as may be prescribed by said Hospital Board.

Section 10: Said Hospital Board created hereby is authorized and empowered to adopt reasonable rules and regulations for the conduct of said hospital and of the patients, student nurses, nurses, doctors, employees and all others therein, and to fix and determine and prescribe who shall be permitted to nurse and prescribe and treat and care for patients in said hospital and practice as nurses, doctors, physicians and surgeons in said Druid City Hospital, and said Board is authorized and empowered to conduct nurses training and to train nurses in said Druid City Hospital and to select and supervise selection of those to be admitted and trained therein and thereto, and is authorized to employ all managers, supervisors, nurses and others to carry on the operation of, and to operate, said hospital and to fix their hours, duties, tenure and compensation and terminate their employment, and do all other things needful to carry on a general hospital in Tuscaloosa County for the care and treatment of human beings.

Section 11: That a member of said Hospital Board may be removed from office for the same causes and by the same procedure as provided by law for the removal or impeachment of members of the governing body of the City of Tuscaloosa.

Section 12: All personal property, accounts receivable, monies, bonds, mortgages, choses in action and other assets now held by the City of Tuscaloosa or by Tuscaloosa County for hospital purposes shall forthwith pass to the Druid City Hospital Board created hereby. All real estate now owned or hereafter acquired

by the City of Tuscaloosa County for hospital purposes may be sold by the City of Tuscaloosa or by the County of Tuscaloosa, when requested in writing by the Druid City Hospital Board created hereby to do so, and the Governing Board of the City of Tuscaloosa and the Governing Board of Tuscaloosa County are authorized and empowered to sell and convey, and to make and execute good and sufficient title to, any such real estate now or hereafter held by either of them for hospital purposes, with the proviso that the full proceeds therefrom shall be used for hospital purposes under the direction and control of the Druid City Hospital Board created hereby, but no purchaser of said real estate shall be obligated or required to trace said funds or to see that said purchase price therefor is used for hospital purposes.

Section 13: The City of Tuscaloosa and the County of Tuscaloosa are hereby authorized to contribute and make appropriations to the Druid City Hospital to be operated by the Druid City Hospital Board herein created.

Section 14: The Druid City Hospital Board created hereby is hereby authorized to do all things necessary to qualify said Druid City Hospital as a member of recognized national hospital associations and to meet the requirements of the American Medical Association or other standard rating and inspection agencies for hospitals and for this purpose may carry on necessary training programs and otherwise so operate and maintain said hospital as to qualify said Druid City Hospital as a Grade "A" general hospital.

Section 15: The Druid City Hospital Board hereby created is, and is to be, taken, treated and construed as, an agency of Tuscaloosa County and the City of Tuscaloosa to construct, equip, carry on, maintain and operate a general public hospital mainly for charity in manner and form permitted and authorized by law, and the Druid City Hospital Board created hereby shall have all the immunities, powers, rights and authority inhering in or conferred upon, hospitals operated by the several counties of Alabama under the law of Alabama. Certain State and Federal Legislation with reference to hospitals has already been passed, and other legislation or programs are, and are to be, projected, providing for State and Federal aid to hospitals, and for the creation or establishment of county and regional hospitals in Alabama, and the Druid City Hospital Board created hereby, if they determine it desirable so to do, are hereby authorized and empowered to accept such aid, or any part thereof, and to qualify the Druid City Hospital as one of such hospitals, either on a county or regional basis, or both, and is specifically authorized and empowered to do all things necessary to qualify said Druid City Hospital under said laws and under such programs.

Section 16: If any section, clause or provision of this Act shall be, or declared to be, invalid, this shall not affect any other section,

clause or provision hereof not in itself invalid.

Section 17: That this Act shall become effective immediately upon its passage and approval by the Governor, or otherwise becoming law.

Approved October 8, 1947.

No. 541)

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AN ACT

(S. 385—A. L. Patterson

To abolish the office of Deputy Circuit Solicitor for Russell County, Alabama.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The office of Deputy Circuit Solicitor for Russell County, Alabama, is hereby abolished, and notwithstanding the provisions of Section 256 of Title 13 of the 1940 Code, the Circuit Solicitor of the judicial circuit which includes Russell County shall not appoint nor be authorized to appoint a deputy for Russell County.

Section 2. This Act shall become effective upon the passage of an act of the 1947 Legislature which redivides the State into judicial circuits, and not otherwise.

Approved October 8, 1947.

No. 542)

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AN ACT

(S. 386—A. L. Patterson

To authorize and direct the governing body of the City of Phenix City, Russell County, Alabama, to prepare, or cause to be prepared a census of all persons residing within the corporate limits of the municipality and to pay the expenses of same out of the City Treasury, and to provide that such census, when taken and filed with the Secretary of State, shall be the official census for the purpose of re-classification of such city under any law requiring classification based on population until the 1950 regular Federal census.

*Be It Enacted By the Legislature of Alabama:*

Section 1. The governing body of the City of Phenix City, Russell County, Alabama, is authorized and directed to prepare, or cause to be prepared, a census of all persons residing within the corporate limits of such municipality and to pay the expenses of same out of the City Treasury.

Section 2. The reports of enumerators appointed under this Act shall be made under oath to the governing body of the city, and when the census is completed, each member of the governing body of the city shall certify to the result thereof and file the same with the Secretary of State.

Section 3. The census authorized by this Act, when taken, certified, and filed as required herein, shall be the official census

of and for the City of Phenix City, Alabama, for the purpose of re-classification of such municipality under any law requiring classification based on population until the 1950 regular Federal census. That said census shall be taken and enumerated by wards, districts, and divisions of the city and shall be so certified and filed as herein required.

Section 4. The provisions of this Act are severable. If any part of the Act is declared unconstitutional or invalid, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws in conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1947.

No. 544)

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#### AN ACT

(S. 389—Hardwick

To authorize the Board of Revenue of Houston County, Alabama, to allow as a claim against said County and to pay to J. W. Culbreth the sum of \$50.00 the amount of actual damages and expense incurred and arising out of wreck sustained by J. W. Culbreth in that certain collision on a public highway in Houston County, Alabama, between wheel tractor, owned and operated by Houston County, Alabama, at the time of the collision with wagon of J. W. Culbreth on December 16, 1945.

*Be It Enacted by the Legislature of Alabama:*

Section I: That the Board of Revenue of Houston County, Alabama, be and they are authorized and empowered to allow as a claim against said County and pay to J. W. Culbreth the sum of \$50.00 being the amount of actual damages and expense incurred and arising out of wreck sustained by J. W. Culbreth in that certain collision on a public highway in Houston County, Alabama, between wheel tractor owned and operated by Houston County, Alabama, at the time of the collision with wagon of J. W. Culbreth, on December 16, 1945.

Section II: This Act shall be effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1947.

No. 545)

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#### AN ACT

(S. 390—Hardwick

To authorize the Court of County Commissioners, or other governing body of said County, of Houston County, Alabama, to allow as a claim against said County and to pay to Calvin McSwain, father of Willie Frank McSwain, deceased, the sum of \$690.10 the amount of actual damages and expenses incurred and arising out of the injuries sustained by the said Willie Frank McSwain, resulting in his death from a collision with a wheel

tractor owned and operated by Houston County, Alabama, on a public highway in Houston County, Alabama, on December 26, 1945.

*Be It Enacted by the Legislature of Alabama:*

Section I: That the Court of County Commissioners, or other governing body of said County, of Houston County, Alabama, be and they are authorized and empowered to allow as a claim against said County and pay to Calvin McSwain, father of Willie Frank McSwain, deceased, the sum of \$690.10 being the amount of actual damages and actual expenses incurred and arising out of the injuries sustained by the said Willie Frank McSwain resulting in his death from a collision with a wheel tractor owned and operated by Houston County, Alabama, on a public highway in Houston County, Alabama, on December 26, 1945.

Section II: This Act shall be effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1947.

No. 546)

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AN ACT

(S. 391—Hardwick

To extend, alter and rearrange the boundary lines and corporate limits of the City of Dothan, Houston County, Alabama.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That the boundary lines and corporate limits of the City of Dothan, Houston County, Alabama, be and the same are hereby extended, altered and rearranged so as to include within the corporate limits of said City all of the following described additional territory; Beginning at the present corporate limits of said City at the one-half mile corner between Sections 15 and 22, Township 3, Range 26, and running thence west along the section line a distance of one thousand three hundred twenty (1320') feet, more or less, to the southwest corner of the Southeast quarter of the Southwest quarter of Section 15, Township 3, Range 26; thence running north along the quarter section line and parallel with the section line a distance of nine thousand two hundred ninety (9290') feet, more or less, to the south side of the right-of-way of U. S. Highway No. 231; thence running South forty-five degrees and no minutes East along the south edge of the right-of-way of said Highway to a point on the section line between Sections 14 and 15, Township 3, Range 26, where it intersects the present corporate limits of said City: Also: Beginning at a point in the center line of the intersection of Headland Avenue and Reeves Street and the present corporate limits of said City at a point approximately forty (40') feet west of the northeast corner of the Southeast quarter of the Southwest quarter of Section 12, Township 3, Range 26, and thence running west along the quarter section line parallel with the

Section line and along the line of present corporate limits of said City a distance of six hundred fifty (650') feet; thence running north parallel with U. S. Highway No. 241 and six hundred fifty (650') feet west of the center line of said Highway a distance of three thousand eight hundred seventy-six (3876') feet to the intersection of section line between Sections 1 and 2, Township 3, Range 26; thence running east along said section a distance of thirteen hundred (1300') feet to a point six hundred fifty (650') feet east of the center line of said Highway; thence running south parallel to said Highway, and six hundred fifty (650') feet east of the center line thereof, a distance of three thousand eight hundred seventy-six (3876') feet, more or less, to the present corporate limits of said City: Also: Beginning at a point at the intersection of the present corporate limits of said City on the section line between sections 19 and 20, Township 3, Range 27, and the south side of the right-of-way of the Central of Georgia Railroad and running thence east along the south side of said right-of-way to the southeast corner of the Northeast quarter of the Northwest quarter of Section 20, Township 3, Range 27, same being on the one-half mile line; thence running south along said one-half mile line a distance of seven thousand nine hundred twenty (7920') feet, more or less, to the southwest corner of the Northwest quarter of the Southeast quarter of Section 29, Township 3, Range 27;; thence running west parallel with the section line a distance of two thousand six hundred forty (2640') feet, more or less, to the northwest corner of the Southwest quarter of the Southwest quarter of Section 29, Township 3, Range 27, same being the southeast corner of the present corporate limits of said City.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall be effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1947.

No. 547)

(S. 415—Glover

### AN ACT

For the relief of W. W. Lassiter, of Koenton, Washington County, Alabama.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The sum of fifty dollars is hereby appropriated from any funds in the State treasury not otherwise appropriated, for the relief of W. W. Lassiter, of Koenton, Washington County, Alabama, which sum, when paid, shall be in full satisfaction of the claim of the said W. W. Lassiter on account of the payment by him of a penalty imposed illegally by the State Tax Commission for an alleged violation of the statutes levying a tax on tobacco and tobacco products.

Section 2. This Act shall become effective immediately upon its



passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1947.

No. 550)

(S. 433—Hughes

### AN ACT

To provide for the appointment of the County Superintendent of Education of Geneva County, Alabama by the County Board of Education, prescribing his qualifications and providing for his term of office, salary, powers, duties, and removal.

*Be It Enacted By the Legislature of Alabama:*

Section 1. The County Board of Education of Geneva County, Alabama shall appoint the county superintendent of education for a term of four years commencing quadrennially on July first. To be eligible for appointment to the office of county superintendent of education a person must hold at least an Alabama Class B. Superintendent-Principal certificate or a Class C Superintendent certificate. The salary of the superintendent of education shall be fixed by the county board of education at an amount not less than two thousand dollars (\$2,000) nor more than three thousand six hundred dollars (\$3,600) per year. The county board of education may remove the superintendent of education at any time for immorality, misconduct in office, incompetency, willful neglect of duty, or when the best interests of the schools require it.

Section 2. The superintendent of education shall be the chief executive officer of the county school system, and he shall be charged with the same duties and shall exercise the same powers as are now or as may hereafter be provided by the general laws of the State.

Section 3. In the event of a vacancy in the office of county superintendent of education, the county board of education shall appoint a successor to fill the balance of the unexpired term. The term of the first superintendent of education appointed under this Act shall commence on July 1, 1951, and the terms of office shall expire quadrennially on June 30 thereafter.

Section 4. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 5. The provisions of this Act shall become effective upon passage and approval by the Governor or its otherwise becoming law.

Approved October 8, 1947.

No. 551)

(S. 435—Perry)

## AN ACT

To amend Section 3 of Act 653, approved July 10, 1940, which relates to the office of Superintendent of Education of Marengo County.

*Be It Enacted By the Legislature of Alabama:*

Section 1. Section 3 of Act 653, approved July 10, 1940, which relates to the office of Superintendent of Education of Marengo County, is amended to read as follows: "Section 3. The qualifications of the County Superintendent of Education shall be that he must be a qualified elector of the county and that he shall hold at least a bacheolr's degree from a university or college accredited by the Southern Association of Universities and Colleges; the American Association of Universities, or the American Association of Colleges; these qualifications shall be in lieu of those set out in Section 103 of Title 52 of the 1940 Code of Alabama. The Superintendent of Education of Marengo County shall perform and discharge all the duties of the county superintendent of education under the general laws of this State. If there be a vacancy in the office from any cause whatsoever, the County Board of Education shall fill such vacancy as is provided by the general laws of the State."

Section 2. This Act shall take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 8, 1947.

No. 559)

(H. 645—Dobbs (Fayette))

## AN ACT

To authorize and empower the Judge of Probate of Fayette County, Alabama, to appoint a Chief Clerk, to fix the salary of said Chief Clerk, provide the method of payment of said salary, and to provide for or require said Chief Clerk to enter into an official bond in the sum of Twenty-Five Hundred (\$2,500.00) Dollars conditioned and payable as required by law.

*Be It Enacted By the Legislature of Alabama:*

Section I. The Judge of Probate of Fayette County, Alabama, is hereby authorized and empowered to appoint a Chief Clerk to hold office at the pleasure of the Judge of Probate of said County.

Section II. That said Chief Clerk, so appointed, shall be paid a salary to be fixed by the Court of County Commissioners of Fayette County, Alabama, such salary to be not more than One Hundred and Fifty (\$150.00) Dollars per month.

Section III. The Court of County Commissioners of Fayette County, Alabama is hereby authorized and required to draw salary warrants monthly in favor of said Chief Clerk for the payment of

the salary so fixed by said Court of County Commissioners, which warrants shall be drawn upon and paid out of the General Funds of said County.

Section IV. Said Chief Clerk shall make a bond, conditioned and payable as required by law, in the sum of Twenty-Five Hundred (\$2500.00) Dollars for the faithful performance of the duties of the office of Chief Clerk.

Section V. Should any section, clause or provision of this Act be declared unconstitutional the same shall not affect the remaining sections, clauses or provisions hereof.

Section VI. This Act shall go into effect immediately upon passage and approval by the Governor.

Approved October 8, 1947.

No. 563)

# AN ACT

(H. 981—O'Neal

To provide for the nomination and election of members of the Court of County Commissioners, Board of Revenue or like governing body for Jackson County, Alabama.

*Be It Enacted By the Legislature of Alabama:*

Section 1. That at the primary election in 1948 and every four years thereafter the qualified electors of Jackson County entitled to participate in such primary shall nominate one member of the Court of County Commissioners, Board of Revenue or like governing body of said county from each district in said county as now or hereafter created.

Section 2. That County Commissioners, or members of the like governing body from each of said districts, shall be nominated and elected by the qualified electors of the entire county of Jackson, each qualified elector being entitled to vote for a commissioner, member of the Board of Revenue or like governing body, from each district from which a commissioner or member of like governing body is to be nominated and elected at such primary or such election.

Section 3. That all laws or parts of laws in conflict with this Act or any part thereof are hereby expressly repealed.

Section 4. That if any provision or paragraph of this Act should be declared unconstitutional it shall in no way affect the other provisions or paragraphs of said Act.

Section 5. This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved October 8, 1947.

No. 565)

(H. 989—McDonald

## AN ACT

To amend Section 4 of Act No. 23, Local Acts, 1943, page 14, which relates to the County Superintendent of Education for Coosa County.

*Be It Enacted By the Legislature of Alabama:*

Section 1. Section 4 of Act No. 23, Local Acts, 1943, page 14, is amended to read: "The County Superintendent of Education shall devote his entire time to the discharge of his duties as superintendent of education and shall receive as compensation three thousand six hundred dollars (\$3,600.00) per annum, payable at the time and in the manner provided by the general laws of the State for the payment of salaries of superintendents of education."

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law, but it shall not become operative until the expiration of the term of office of the present County Superintendent of Education for Coosa County.

Approved October 8, 1947.

No. 566)

(H. 990—McDonald

## AN ACT

To amend Section 5 of Act No. 23, Local Acts, 1943, page 14, which relates to the County Superintendent of Education for Coosa County.

*Be It Enacted By the Legislature of Alabama:*

Section 1. Section 5 of Act No. 23, Local Acts, 1943, page 14, is amended to read: "The County Board of Education of Coosa County shall determine the amount of office help necessary for the Superintendent of Education and shall fix the compensation of such help and the time and manner of payment thereof; the Superintendent shall select the office help provided by the Board; provided, that not more than two full time clerks or secretaries shall be furnished for such office and the entire compensation of such office help shall not exceed three thousand six hundred dollars per year. The County Board of Education is authorized to furnish, as provided by the general laws of the State, the expenses of the superintendent of education and allowances for his office which shall be allowed by the County Board of Education as authorized under the general laws of the State."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1947.

No. 567)

(H. 992—Miller and Roberts

## AN ACT

To Alter or Re-arrange the boundary lines of the Town of Glencoe, Etowah County, Alabama, so as to include within the Corporate limits of said Town all territory now within such corporate limits and also certain other territory in Etowah County, Alabama.

*Be It Enacted By the Legislature of Alabama:*

Section 1. That the Boundary lines of the Town of Glencoe, Etowah County, Alabama, be, and the same are altered or re-arranged so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory in Etowah County, Alabama; all of which territory is more particularly described as being all of the territory lying within the County of Etowah, State of Alabama, included and embraced within the boundaries herein set out, to-wit: Begin at the S. E. corner of Section 30; Thence in a westerly direction along the south line of Section 30 to the S. W. corner thereof; Thence in a northerly direction along the west line of Section 30 to the N. W. corner thereof; Thence in an easterly direction along the north line of Section 30 a distance of 1980 feet, more or less, to a point; Thence in a northerly direction and along the center line of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$ , of Section 19, the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  and the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 19 to a point in the NE Right of Way Line of the L & N Railroad Company, Thence run in a southeasterly direction and along the NE Right of Way Line of said railroad to a point in the north line of Section 30; Thence in an easterly direction and along the north line of Section 30 to the NE corner thereof; Thence in a northerly direction and along the west line of Section 20 to the NW corner thereof; Thence in an easterly direction and along the north line of Section 20 to the NW corner of Fraction "A"; Thence in a southwesterly direction and along the line between Fractions "A" and "B" to a point in the Cherokee Indian Boundary Line, which point is the SW corner of Fraction "A"; Thence in a northwesterly direction and along said Cherokee Indian Boundary Line to the NE corner of Fraction "C"; Thence in a southerly direction and along the center line of Section 20 to the SW corner of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 29; Thence in an easterly direction and along the south line of the north  $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Section 29 to the NE corner of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 29; Thence in a southerly direction along the east line of Section 29 and Section 32 to a point which is 330 feet, more or less, south from the SE corner of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 32; Thence easterly and parallel to the north line of Section 33 a distance of 660 feet to a point; Thence southerly along the center line dividing the east half from the west half of the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said section 33 a distance of 990 feet, more or less, to a point on

the south line thereof; Thence in a westerly direction along the center line of Section 33 and 32 to the SW corner of the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said Section 32; Thence northerly and along the west line of the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  and the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said section a distance of 1990 feet, more or less, to a point dividing the south half from the north half of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said Section 32; Thence westerly and along the line dividing the said north half from the south half of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  to the center of said NW $\frac{1}{4}$  of the NW $\frac{1}{4}$ ; Thence northerly along the line dividing the east half from the west half of said NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 32 to a point on the north line of Section 32; Thence in a westerly direction and along the north line of said Section 32 a distance of 660 feet, more or less, and to the point of beginning.

Section 2. That the boundaries set out in Section One of this Act be, and the same are hereby, established as the corporate limits of said Town of Glencoe, Etowah County, Alabama, and all of the territory included and embraced within said boundaries shall hereafter be and constitute a part of the Town of Glencoe, Etowah County, Alabama.

Section 3. That all laws and parts of laws, both general, special and local, in conflict with this Act be, and the same are hereby repealed.

Section 4. That this Act shall go into effect immediately upon its approval by the Governor.

Approved October 8, 1947.

No. 568)

(H. 993—Miller and Roberts

### AN ACT

To Alter or Re-arrange the boundary lines of the City of Gadsden, Etowah County, Alabama, so as to include within the Corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama.

*Be It Enacted By the Legislature of Alabama:*

Section 1. That the Boundary lines of the City of Gadsden, Etowah County, Alabama, be, and the same are altered or re-arranged so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama; all of which territory is more particularly described as being all of the territory lying within the County of Etowah, State of Alabama, included and embraced within the boundaries herein set out, to-wit:—Begin at the Northeast corner of the SE $\frac{1}{4}$  in Section Seventeen (17), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian, Etowah County, Alabama, and from thence run in a

Southerly direction and along the East line of said Section Seventeen (17) and the East line of Section Twenty (20), Township Eleven (11), South, of Range Six (6) East of Huntsville Meridian to the Southeast corner of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  in said Section Twenty (20); thence in a Westerly direction and along the South line of said NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  in Section Twenty (20) to the Southwest corner thereof, which is also the Northeast corner of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section Twenty (20); thence in a Southerly direction and along the East line of the said SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  in Section Twenty (20) to the Southeast corner thereof; thence in a Westerly direction and along the South line of said SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  to the Southwest corner thereof, which is also the Northeast corner of the SW $\frac{1}{4}$  in said Section Twenty (20); thence in a Southerly direction and along the East line of said SW $\frac{1}{4}$  to the Southeast corner thereof, which is also the Northwest corner of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  in Section Twenty-nine (29), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian; thence in an Easterly direction and along the North line of said NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  in said Section Twenty-nine (29) to the Northeast corner thereof; thence in a Southerly direction and along the East line of the W $\frac{1}{2}$  of the NE $\frac{1}{4}$  in said Section Twenty-nine (29) to the Southeast corner thereof, which is also the Northwest corner of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  in said Section Twenty-nine (29); thence in an Easterly direction and along the North line of said NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  in Section Twenty-nine (29), and along the North line of the SW $\frac{1}{4}$  in Section Twenty-eight (28), Township 11 South, of Range Six (6) East of Huntsville Meridian, to the Northeast corner of said SW $\frac{1}{4}$  in Section Twenty-eight (28), thence in a Southerly direction and along the East line of the SW $\frac{1}{4}$  in said Section Twenty-eight (28) and along the East line of the W $\frac{1}{2}$  of Section Thirty-three (33) Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian to the Northwest corner of the S $\frac{1}{2}$  of the SE $\frac{1}{4}$  in said Section Thirty-three (33); thence in an Easterly direction and along the North line of the S $\frac{1}{2}$  of the SE $\frac{1}{4}$  in said Section Thirty-three (33) and along the North line of the S $\frac{1}{2}$  of the SW $\frac{1}{4}$  in Section Thirty-four (34), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian to the Northeast corner of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section Thirty-four (34); thence Northerly along the West line of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section Thirty-four (34) to the Northwest corner thereof; thence Easterly along the North line of the said NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section Thirty-four (34) to the Northeast corner thereof; thence Northerly along the West line of the E $\frac{1}{2}$  of the NE $\frac{1}{4}$  of said Section Thirty-four (34) to the Northwest corner thereof; thence Easterly along the North line of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section Thirty-four (34) to the Northeast corner of said Section, which is also the Southwest corner of Section

Twenty-six (26) Township Eleven (11) South, of Range Six (6) East; thence Northerly along the West line of the SW $\frac{1}{4}$  of Section Twenty-Six (26) to the Northwest corner thereof; thence Easterly along the North line of said SW $\frac{1}{4}$  of Section Twenty-six (26) to the Northeast corner thereof; thence Northerly along the West line of the NE $\frac{1}{4}$  of said Section Twenty-six (26) to the Northwest corner thereof; thence Easterly along the North line of Sections Twenty-six (26) and Twenty-five (25) to the Northeast corner of the NW $\frac{1}{4}$  of said Section Twenty-five (25); thence Southerly along the East line of the NW $\frac{1}{4}$  of Section Twenty-five (25) to the Southeast corner thereof; thence Westerly along the South line of the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section Twenty-five (25) to the Southwest corner thereof; thence Southerly along the East line of the West Half of the SW $\frac{1}{4}$  of Section Twenty-five (25), and the East line of the W $\frac{1}{2}$  of the W $\frac{1}{2}$  of Section Thirty-six (36) to the Southeast corner of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section Thirty-six (36) Township Eleven (11) South, of Range Six (6) East; thence Westerly along the South line of Section Thirty-six (36) and Section Thirty-five (35) Township Eleven (11) South of Range Six (6) East to the Southwest corner of said Section Thirty-five (35), which is also the Northeast corner of Section Three (3); thence Southerly along the East line of Section Three (3) Township Twelve (12) South, of Range Six (6) East to a point where said line intersects the South bank of Coosa River at low water mark; thence Southeasterly along the South bank of Coosa River to a point where the East line of the W $\frac{1}{2}$  of the NW $\frac{1}{4}$  of Section Twelve (12) Township Twelve (12) South, of Range Six (6) East intersects the South bank of Coosa River at low water mark; thence Southerly along the East line of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said Section Twelve (12) to the Southeast corner thereof; thence Easterly along the North line of the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  and the North line of the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  of said Section Twelve (12) to the Northeast corner of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section Twelve (12); thence Southerly along the East line of Sections Twelve (12) and Thirteen (13) Township Twelve (12) South, of Range Six (6) East to where said line intersects the Cherokee Indian Boundary line; thence in a Southeasterly direction and along said Indian Boundary Line to the Northeast corner of Section Nineteen (19), Township Twelve (12) South, of Range Seven (7) East of Huntsville Meridian; thence in a Southerly direction and along the East line of said Section Nineteen (19) to the Southeast corner of said Section Nineteen (19) and to the corporate line of the Town of Glencoe as shown by a map thereof recorded in Final Record "V" page 114, in the Probate Court, Etowah County, Alabama; thence in a Westerly direction and along the South line of said Section Nineteen (19) and along the corporate line of the Town of Glencoe to where the corporate line of the Town of Glencoe turns in a Northwesterly direction; thence in a Northwesterly



direction and along the corporate line of the Town of Glencoe to where said corporate line turns in a Southerly direction; thence in a Southerly direction and along the corporate line of the Town of Glencoe to a point in the South line of said Section Nineteen (19); thence in a Westerly direction and along the South line of said Section Nineteen (19) to the Southwest corner of said Section Nineteen (19); thence in a Northerly direction and along the West line of said Section Nineteen (19) to the Southwest line of the Gadsden and Anniston Highway, as shown by the map of McCord's Subdivision recorded in Plat Book "C" page 183, Probate Office, Etowah County, Alabama; thence in a Northwesterly direction and along the Southwest line of said Highway to the South line of the  $N\frac{1}{2}$  of the  $NE\frac{1}{4}$  in Section 24, Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian; thence in a Westerly direction and along the South line of said  $N\frac{1}{2}$  of the  $NE\frac{1}{4}$  in said Section Twenty-four (24) and along the South line of the  $NE\frac{1}{4}$  of the  $NW\frac{1}{4}$  in said Section Twenty-four (24) to a point in the Northeast line of Keeling Road, as shown by the Map of Hadley Farms recorded in Plat Book "B" page 236 in said Probate Office; thence in a Northwesterly direction and along the Northeast line of the Keeling Road to the Indian Boundary line; thence in a Northwesterly direction and along the Indian Boundary line to the Southwest corner of the Northeast Part of the Southeast Fractional Quarter in Section Fourteen (14), Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian; thence in a Northerly direction and along the West line of said Northeast Part of the Southeast Fractional Quarter in said Section Fourteen (14) to the Southeast corner of the  $SW\frac{1}{4}$  of the  $NE\frac{1}{4}$  in said Section Fourteen (14); thence in a Westerly direction and along the South line of said  $SW\frac{1}{4}$  of the  $NE\frac{1}{4}$  in said Section Fourteen (14) to the Southeast corner of the  $SE\frac{1}{4}$  of the  $NW\frac{1}{4}$  in said Section Fourteen (14); thence in a Northerly direction and along the East line of the  $SE\frac{1}{4}$  of the  $NW\frac{1}{4}$  of said Section Fourteen (14) a distance of 495 feet; thence in a Westerly direction and parallel with the South line of said  $SE\frac{1}{4}$  of the  $NW\frac{1}{4}$  to the West line thereof; thence Northerly and along the West line of the  $SE\frac{1}{4}$  of the  $NW\frac{1}{4}$  in said Section Fourteen (14) to the Southeast corner of the  $NW\frac{1}{4}$  of the  $NW\frac{1}{4}$  in said Section Fourteen (14); thence in a Westerly direction and along the South line of the  $NW\frac{1}{4}$  of the  $NW\frac{1}{4}$  in said Section Fourteen (14) to the West line of said Section Fourteen (14); thence Southerly along the West line of Section Fourteen (14), which is the East line of Section Fifteen (15), to a point 492 feet South of the Southeast corner of the Northeast Quarter of said Section Fifteen (15); thence South  $34^{\circ} 37'$  West, along the East lines of Lots Eighteen (18) and Nineteen (19) of Block Seven (?) of the Crestview Land Company Addition, 200 feet, thence North  $50^{\circ} 13'$  West along the South boundary of the Crestview Land Company Addition 1678 feet, thence North  $27^{\circ} 22'$  East

along the Northwest boundary of the Crestview Land Company Addition to a point on the North and South center line of the Northeast Quarter of Section Fifteen (15), where said Northwest boundary of Crestview Land Company Addition intersects center line; thence Northerly along the said center line of the Northeast Quarter of said Section Fifteen (15) to the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section Fifteen (15), which is the Southwest corner of the  $SE\frac{1}{4}$  of the  $SE\frac{1}{4}$  of Section Ten (10), Township Twelve (12) South, of Range Six (6) East; thence in a Westerly direction and along the South line of said Section Ten (10) and along the South line of Section Nine (9) Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian to the Northeast corner of Government Lot Number Three (3) in Section Sixteen (16), Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian; thence in a Southerly direction and along the East lines of Government Lots Numbers Three (3), Six (6), Nine (9), and Eleven (11) and said lines extended to the South bank of Big Wills Creek; thence in an Easterly direction and down the South bank of said Creek to a point where the East line of the  $W\frac{1}{2}$  of the  $NE\frac{1}{4}$  in Section Twenty-one (21), Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian, produced Northerly, intersects said Creek bank; thence Southerly and along the East line of the  $W\frac{1}{2}$  of the  $NE\frac{1}{4}$  in said Section Twenty-one (21), and said line produced in a Northerly direction, to a point in the Northwest right of way line of the Gadsden-Birmingham Highway, otherwise known as Rainbow Drive; thence in a Southwesterly direction and along the Northwest right of way line of said Highway to the South line of the  $N\frac{1}{2}$  of the  $SW\frac{1}{4}$  in said Section Twenty-one (21); thence in a Westerly direction and along the South line of the  $N\frac{1}{2}$  of the  $SW\frac{1}{4}$  in said Section Twenty-one (21) to the West line of said Section Twenty-one (21); thence Northerly and along the West line of said Section Twenty-one (21) to the Southerly bank of Big Wills Creek; thence in a Northeasterly and Easterly direction and along the Southerly bank of said Creek to a point which is 200 feet West, drawn on a line parallel with the North line of Section Sixteen (16) hereinbefore mentioned, from where the East line of Government Lot Number Eleven (11) in said Section Sixteen (16), if produced in a Southerly direction, would intersect the South bank of said Creek; thence in a Northerly direction and parallel with the East lines of Government Lots Numbers Eleven (11), Nine (9), Six (6) and Three (3) in said Section Sixteen (16) and parallel with the East line of the  $SE\frac{1}{4}$  of the  $SW\frac{1}{4}$  in Section Nine (9), Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian to a point in the South line of the  $N\frac{1}{2}$  of the  $SE\frac{1}{4}$  of the  $SW\frac{1}{4}$  in said Section Nine (9); thence in a Westerly direction and along the South line of the  $N\frac{1}{2}$  of the  $SE\frac{1}{4}$  of the  $SW\frac{1}{4}$  in said Section Nine (9) to the Southwest

corner thereof; thence Northerly and along the West line of the  $N\frac{1}{2}$  of the  $SE\frac{1}{4}$  of the  $SW\frac{1}{4}$  in said Section Nine (9) to the Southeast corner of the  $NW\frac{1}{4}$  of the  $SW\frac{1}{4}$  in said Section Nine (9); thence in a Westerly direction and along the South line of the  $NW\frac{1}{4}$  of the  $SW\frac{1}{4}$  in said Section Nine (9) and along the South line of the  $N\frac{1}{2}$  of the  $SE\frac{1}{4}$  in Section Eight (8), Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian to the Southeasterly line of Eleventh Street Road; thence in a Southwesterly direction and along the southeasterly line of the Eleventh Street Road to the South line of said Section Eight (8); thence in a Westerly direction and along the South line of said Section Eight (8) and along the South line of Section Seven (7), Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian to the Northeast line of the public road leading to Attalla by way of the Sharp home; thence in a Northwesterly direction and along the Northeast line of said public road to a point in the South line of Fraction Number Five (5) in said Section Seven (7); thence in a Westerly direction and along the South line of said Fraction Number Five (5) in said Section Seven (7) and along the South line of the  $E\frac{1}{2}$  of the  $NE\frac{1}{4}$  in Section Twelve (12) Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian to the Southwest corner of the  $E\frac{1}{2}$  of the  $NE\frac{1}{4}$  in said Section Twelve (12); thence in a Northerly direction and along the West line of the  $E\frac{1}{2}$  of the  $NE\frac{1}{4}$  in said Section Twelve (12) to the Southeast corner of the  $NW\frac{1}{4}$  of the  $NE\frac{1}{4}$  of said Section Twelve (12), thence Westerly along the South line of the said  $NW\frac{1}{4}$  of the  $NE\frac{1}{4}$  of said Section Twelve (12), to the Southwest corner thereof; thence Northerly along the West line of the  $NW\frac{1}{4}$  of the  $NE\frac{1}{4}$  of Section Twelve (12) to the Northwest corner thereof, which is the Southwest corner of the  $SE\frac{1}{4}$  of Section One (1), Township Twelve (12) South, of Range Five East; thence in a Westerly direction and along the South line of said Section One (1) to the Southwest corner thereof; thence Northerly and along the West line of said Section One (1) to the Northwest corner thereof; which is also the Southeast corner of Section Thirty-five (35), Township Eleven (11) South, of Range Five (5) East of Huntsville Meridian; thence in a Westerly direction and along the South line of said Section Thirty-five (35) to the East bank of Little Wills Creek; thence in a Northerly and Northeasterly direction up the East bank of Little Wills Creek to the North line of said Section Thirty-five (35); thence in an Easterly direction and along the North line of said Section Thirty-five (35) and along the North line of Section Thirty-Six (36), Township Eleven (11) South, of Range Five (5) East of Huntsville Meridian and along the North line of Section Thirty-one (31), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian to the North and South center line of Section Thirty (30), Township Eleven

(11) South, of Range Six (6) East of Huntsville Meridian; thence Northerly and along the North and South center line of said Section Thirty (30) to a point in the South line of Section Nineteen (19), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian; thence in an Easterly direction and along the South line of said Section Nineteen (19) to the Southwest corner of the  $SE\frac{1}{4}$  of the  $SE\frac{1}{4}$  in said Section Nineteen (19); thence Northerly and along the West line of the  $SE\frac{1}{4}$  of the  $SE\frac{1}{4}$  in said Section Nineteen (19) to the Northwest corner thereof; thence Easterly and along the North line of the  $SE\frac{1}{4}$  of the  $SE\frac{1}{4}$  in said Section Nineteen (19) to the west line of Section Twenty (20), Township Eleven (11) south, of Range Six (6) East of Huntsville Meridian; thence Northerly and along the West line of said Section Twenty (20) to the Northwest corner of the  $NW\frac{1}{4}$  of the  $SW\frac{1}{4}$  in said Section Twenty (20); thence in an Easterly direction and along the North line of the  $NW\frac{1}{4}$  of the  $SW\frac{1}{4}$  in said Section Twenty (20) to the Southwest corner of the  $E\frac{1}{2}$  of the  $NW\frac{1}{4}$  in said Section Twenty (20); thence in a Northerly direction and along the West line of the  $E\frac{1}{2}$  of the  $NW\frac{1}{4}$  in said Section Twenty (20) to the South line of Section Seventeen (17); Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian; thence in an Easterly direction and along the South line of said Section Seventeen (17) to the Southwest corner of the  $SE\frac{1}{4}$  in said Section Seventeen (17); thence in a Northerly direction and along the West line of the  $SE\frac{1}{4}$  in said Section Seventeen (17) to the Northwest corner thereof; thence in an Easterly direction and along the North line of the  $SE\frac{1}{4}$  in said Section Seventeen (17) to the point of beginning, all in Etowah County, Alabama.

Section 2. That the boundaries set out in Section One of this Act be, and the same are hereby, established as the corporate limits of said City of Gadsden, Etowah County, Alabama, and all of the territory included and embraced within said boundaries shall hereafter be and constitute a part of the City of Gadsden, Etowah County, Alabama.

Section 3. That all laws and parts of laws, both general, special and local, in conflict with this Act be, and the same are hereby repealed.

Section 4. That this Act shall go into effect immediately upon its approval by the Governor.

Approved October 8, 1947.

No. 570)

(H. 995—Hankins

## AN ACT

To impose additional duties on the Superintendent of Education of Lamar County and to increase his compensation for the performance of such duties.

*Be It Enacted By the Legislature of Alabama:*

Section 1. In addition to all other duties now imposed upon him by law, the Superintendent of Education of Lamar County shall advise with and furnish information and assistance to the County or District Service Commissioner and the Voluntary County Veterans' Service Committees in the county concerning the educational program and opportunities for veterans in the county.

Section 2. For performing the additional duties herein imposed the salary of the Superintendent of Education of Lamar County is increased to three thousand six hundred dollars per annum, to be paid in the manner now provided by law.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1947.

No. 571)

(H. 996—Doughty

## AN ACT

Relating to Pickens County; imposing additional duties upon each member of the Court of County Commissioners of Pickens County, and providing additional compensation therefor.

*Be It Enacted By the Legislature of Alabama:*

Section 1. In addition to all other duties imposed by law, each member of the Court of County Commissioners of Pickens County shall make periodic inspections of all roads and bridges within his district and make a report of his findings in regard thereto at each regular meeting of the Court. Each member shall also keep constantly advised as to the condition of all county roads where the same cross railroads, and he shall see to it that such crossings are kept in good repair and improved. A detailed record shall be made and kept of each inspection performed.

Section 2. For the performance of the additional duties imposed upon him by this act, each member of the Court of County Commissioners of Pickens County shall be entitled to receive a monthly salary of one hundred (\$100) dollars payable out of the county treasury, provided however, such salary shall be in lieu of all other compensation, including mileage and expense allowance, now provided by law for the performance of his public duties.

Section 3. All laws or parts of laws in conflict with this act are repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared unconstitutional or invalid, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved October 8, 1947.

No. 572)

(H. 997—Sightler, Pinkston,  
Busby, Ingalls.

### AN ACT

To amend Section 580, Title 62, Code of Alabama, 1940.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That Section 580, Title 62 of the Code of Alabama, 1940, is hereby amended to read as follows: There shall be in the city the office of recorder of such city and it shall be the duty of the Board of Commissioners of such city to elect a recorder for such city who shall have all the powers and jurisdiction conferred by law upon recorders of cities in the State of Alabama. Such recorder shall hold office at the pleasure of the Board of Commissioners and said Board of Commissioners shall fix his compensation and the manner and time of its payment. Whenever the recorder shall be unable for any reason to perform the duties of his office then the president of said Board of Commissioners shall designate some person possessing the qualifications of recorder, as provided in this subdivision, to act during the disability of the said recorder, and such person designated, when acting as recorder shall have all the powers and jurisdiction conferred by law upon recorders in the State of Alabama. No fines, penalties or other form of punishment fixed by such recorder shall be set aside except with the consent and sanction of the president of the commission in writing, which consent shall set forth the reason for such action. Provided, that no person shall be eligible to the office of recorder of such city who shall not have been admitted to the practice of law in the State of Alabama and who is not a resident of Montgomery County.

Approved October 7, 1947.

No. 573)

(H. 1001—Beck

## AN ACT

To impose additional duties upon the chairman and associate members of the Board of Revenue of DeKalb County, Alabama, and providing additional compensation therefor.

*Be It Enacted by the Legislature of Alabama:*

Section 1. In addition to all other duties imposed upon him by law, the Chairman of the Board of Revenue of DeKalb County, Alabama, shall be ex-officio, County Purchasing Agent, whose duty it shall be: (1) to purchase all personal property except emergency purchases as provided in Act No. 255, Local Acts, 1939, p. 147, for the County and each department, officer and agency thereof; (2) to make and supervise the execution of all contracts and leases for the use or acquisition of any property; (3) to maintain a perpetual inventory of all furniture, fixtures, supplies, materials, equipment and other personal property on hand and undistributed; (4) to fix standards of quality and quantity and to develop standard specifications for all personal property required by the county; (5) and to maintain records as to prices and sources of supply.

Section 2. In addition to all other duties imposed by law, each associate member of the Board of Revenue of DeKalb County, Alabama, shall, for his district, perform the following duties: (1) make periodic inspections of all roads where the same cross railroads and report to the Board at each regular meeting thereof the result of such inspections; (2) make and keep a perpetual inventory of all supplies, materials, equipment and property under his control; (3) make and keep detailed records showing the gasoline consumption of each piece of machinery and equipment over which he has control; (4) make and keep detailed record concerning the expenses of operating each piece of machinery and equipment under his control; (5) and make a monthly report to the Board of all machinery, equipment, materials and supplies disposed of or consumed during the preceding month.

Section 3. For the performance of the duties imposed by this Act, the Chairman of the Board shall receive an additional one hundred dollars (\$100) monthly and each associate member of the Board shall receive an additional seventy-five dollars (\$75) monthly.

Section 4. The provisions of this Act are severable. If any part of this Act is declared to be unconstitutional or invalid, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1947.

No. 576)

(H. 1004—Duffee, Sellers,  
Lamberth

## AN ACT

To impose additional duties upon the County Solicitor of Tallapoosa County, and to authorize the increase of his compensation for the performance of such duties.

*Be It Enacted By the Legislature of Alabama:*

Section 1. In addition to all other duties now imposed by law upon the County Solicitor of Tallapoosa County, he shall, whenever requested to do so by the sheriff, attend on behalf of the State all prosecutions in any justice of the peace court held at either courthouse in the county or any court created in lieu thereof held at either courthouse in the county; and he shall, whenever requested to do so by the sheriff, assist the sheriff in investigations of crimes committed in Tallapoosa County.

Section 2. The annual salary of the County Solicitor of Tallapoosa County shall be not less than one thousand five hundred dollars nor more than two thousand one hundred dollars, the exact amount to be fixed by the Board of County Commissioners and paid in equal monthly installments as now provided by law.

Section 3. All laws which conflict with this Act are repealed.

Section 4. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1947.

No. 577)

(H. 1006—Pruitt, Pinson.

## AN ACT

To require extra, new and additional duties of the sheriff of Sumter County, Alabama; and to provide extra compensation for the performance of such duties.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That in addition to all duties now required of him by law, the sheriff of Sumter County, Alabama, shall attend upon all sessions of the Juvenile Court of said county and render unto the judge and other officers of said court any and all services and assistance which may be required of him by such officers.

Section 2. That for the performance of the extra, new and additional duties hereby imposed upon him, the sheriff of Sumter County, Alabama, shall be allowed by the county governing body of said county such sum as it may deem reasonable not to exceed nine hundred dollars per annum, payable in equal monthly installments out of the county treasury, which sum shall be in addition to all other costs, fees, allowances, and compensation now provided by law.



Section 3. That this act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.  
Approved October 2, 1947.

No. 578)

(H. 1007—Miller & Roberts

### AN ACT

To create and establish the county court of Etowah County, Alabama; to define its jurisdiction and powers; to invest it with the powers and jurisdiction in civil and criminal cases heretofore exercised by justice of the peace courts; and the county court; to invest it with the powers and jurisdiction in criminal cases; non-support cases and juvenile cases heretofore exercised by the Probate Judge of Etowah County, Alabama; to abolish the offices of justices of the peace and notaries public ex officio justice of the peace in precincts 1, 26 and 29; to provide for the judge and officers of said court, their powers, duties, tenure and compensation; to prescribe rules of procedure for said court and to provide for the execution of the processes of said court and the operation thereof.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. That there is hereby created and established in and for the County of Etowah, State of Alabama, a court which shall be known as and called County Court of Etowah County, which said court is hereby invested with jurisdiction over misdemeanors committed in said county of bastardy and peace proceedings arising in said county, and preliminary jurisdiction of all felonies committed in said county. In addition thereto, said court shall have and exercise original and exclusive jurisdiction in all juvenile and non-support cases arising in said county under Titles 13 and 14 of the Code of Alabama of 1940, and amendments thereto, and shall have all of the powers therein conferred on the probate judge of said county in such cases. In all civil cases, otherwise cognizable in justice of the peace courts, arising in Precincts Nos. 1, 26 and 29 of said county, or when the defendants reside in said precincts, said courts shall have and exercise the exclusive authority, jurisdiction and powers which are now conferred, or which may be conferred by law, upon justice of the peace courts, and in all other precincts of said county said court shall have concurrent jurisdiction with the respective justices of the peace thereof. Said court herein created is hereby vested with all the power, authority, and jurisdiction now held or exercised by the present county court and juvenile court, and all cases pending in said courts shall be transferred to the court created by this act, which latter court shall have jurisdiction of said cases.

Section 2. The judge of said court shall have been a resident of Etowah County, Alabama, for at least one year next preceding his election or appointment, a qualified elector of said county, at least 25 years of age, and learned in the law. The first judge of said court shall be elected at the general election to be held in November, 1948, in the

manner and method prescribed by law for the election of other county officers and shall hold office from the first Monday after the second Tuesday in January, 1949, until the first Monday after the second Tuesday in January, 1953, or until his successor is elected and qualified. His successor shall take office on said latter date and shall be elected by the qualified voters of Etowah County, Alabama, at the general election held for state and county officers in the year 1952, and at the general election every four years thereafter. All vacancies in the office of judge of said court shall be filled in the manner prescribed for the filling of vacancies in the office of circuit judge. The judge of said court shall not engage in the practice of law.

Section 3. The judge of said court shall receive a salary of forty-five hundred dollars per annum payable monthly from the county treasury, upon his warrant drawn upon the county treasurer. He shall, before entering upon the duties of said office, take the oath of office in the form and manner required by law to be taken by judges of the Circuit courts of Alabama, which said oath shall be recorded in the office of the judge of probate of Etowah County, Alabama, and a commission shall be issued to him by the state as provided by law for other county officers. Said judge may be removed from office for the causes and in the manner provided by law for removal of judges of the circuit courts. He may punish for contempt in such cases where justice of the peace courts may punish for contempt, by a fine not exceeding six dollars and by imprisonment in the county jail not exceeding six hours, one or both, at his discretion. The said judge shall have the right to issue and sign in his name any process or other paper of said court.

Section 4. The circuit clerk of Etowah County, Alabama, shall be ex officio clerk of the county court of Etowah County, and all duties performed by or required of the said clerk shall be by virtue of his being clerk of the circuit court. The clerk shall issue processes of said court, keep a docket of the proceedings of said court both civil and criminal, certify all appeals and certioraries, shall have the power and authority to take affidavits and issue search warrants and warrants of arrest thereon, making same returnable to the said county court. The fees and costs allowed by law in civil cases to justices of the peace, constables, sheriffs and witnesses for services in the justice of the peace courts shall be taxed and collected as provided by law in each civil case. In all criminal cases the fees and costs authorized by law to be taxed in the county courts of the state shall be taxed and collected in each criminal case tried or docketed in said court. In addition thereto, there shall be taxed and collected for the use of the county in each case both civil and criminal docketed a trial fee of one dollar. The said clerk shall be entitled to receive and retain as his compensation in criminal cases the same costs, fees and commissions allowed by law to clerks of the circuit court for like duties and services, and one half of all justice fees, other than the one dollar trial tax, collected in all civil cases. The fees accruing to sheriffs, constables, witnesses and justices of the peace,

when collected, shall be paid direct to those entitled thereto, and all other fees and costs, except those the clerk is entitled to retain as his compensation, shall be paid monthly by the said clerk to the county treasurer. All fines, forfeitures and other monies collected by the clerk for the state of Alabama shall be paid monthly by the said clerk to the state treasurer. All fines and forfeitures collected for the county fine and forfeiture fund shall be paid into said fund monthly. The clerk shall have the right to appoint an assistant clerk at his own expense who shall be authorized to act in the name of the clerk and for whose acts the clerk shall be responsible.

Section 5. At the time of election of the judge of said court and each four years thereafter there shall be elected in the same manner a constable who shall be the constable of said court and shall execute all civil processes from or issued by said court and make due return thereof. Said constable must be a qualified elector and a resident of precinct 1, precinct 26 or precinct 29 and shall hold office for the same term for which the judge of said court holds office. All processes issued out of said court shall be addressed to any lawful officer of Etowah County, Alabama. The sheriff shall execute all criminal processes of said court and shall be required to attend on said court on criminal trial days for which he shall be paid as provided by law in county courts. In cases of sickness or other absence of the constable, or whenever requested to do so by the judge, the sheriff or his deputy shall be required to serve all processes of said court, receiving the legal fees therefor for his service.

Section 6. In the event of sickness or necessary absence of the judge of said court, the presiding judge of the circuit court of Etowah County shall appoint a special judge to hold court during the absence of the regular judge, whose compensation shall be at the same rate as herein provided for the regular judge, and paid on his warrant drawn on the county treasury, provided that the regular judge of said court shall receive no compensation after a continuous absence of thirty days or more.

Section 7. It shall be the duty of deputy solicitor for Etowah County to prosecute criminal cases in said court, and the same solicitor's fees shall be taxed in misdemeanor cases in said court and in the same manner as is taxed by general law for solicitors in similar cases in the circuit and county courts of the state. All solicitor's fees, when collected shall be paid into the county treasury as other costs. It shall be the duty of the deputy solicitor for Etowah County to attend and prosecute all juvenile and non-support cases arising in said county and such proceedings.

Section 8. It shall be the duty of the board of revenue or other governing body of said county to provide proper offices in the courthouse for said court, and to provide for the necessary accommodation therefor, and to provide said court with all necessary blanks, stationery,

docket books, typewriter, phone and other articles and supplies which may be reasonably necessary for said court.

Section 9. The rules and regulations governing justices of the peace courts shall apply as near as possible in all civil cases and the rules and regulations governing county courts shall apply as near as possible in all criminal cases, except as herein otherwise provided. All parties against whom judgments have been rendered shall have ten days within which to effect appeals to the circuit court, such appeals to be perfected in the manner prescribed by law for appeals from justice of peace courts. In all civil cases the judge may, at his discretion, set aside judgments on motion of either party within five days after such judgment is granted. In civil cases when an execution has been issued within twelve months after the rendition of judgment and has not been returned satisfied, an alias execution may be issued thereon at any time within six years from date of such judgment without a revival of judgment. When a certificate of judgment has been filed in the office of the probate judge within twelve months from the date of its rendition, execution may issue thereon at any time within six years from the date of said judgment, whether execution has been previously issued or not, and such recorded judgment shall be a lien on the property of the defendant as provided by law in the circuit courts. Warrants may be issued by justices of the peace in said county returnable to said court for any indictable offense, and peace and bastardy proceedings and non-support cases.

Section 10. On the first Monday after the second Tuesday in January, 1949, the offices of justices of the peace and notaries public ex officio justices of the peace for Precincts 1, 26 and 29 of said county are hereby abolished. The offices of constable for said precincts are hereby abolished at the same time.

Section 11. Upon the termination of the offices of notaries public ex officio justice of the peace and justices of the peace as provided in the foregoing section, said officers shall forthwith transfer all pending cases, and dockets, records, and all other papers pertaining to their offices to the clerk of the court created by this statute. The said court shall have full and complete jurisdiction over all cases so transferred and may, in the manner prescribed by law for such cases, issue writs of garnishment, executions and other appropriate legal process in cases so transferred.

Section 12. Nothing contained in this statute shall abridge, limit or change the jurisdiction of recorder's courts provided by general law for municipalities.

Section 13. All laws, local or general, in conflict with the provisions of this act are, in so far as they conflict with the provisions of this act, hereby repealed.

Section 14. Should any section; or any part of this act be held unconstitutional, it shall in no wise affect any other section or part hereof, each section having been passed by the Legislature separately.

Section 15. This act shall take effect on the first Monday after the second Tuesday in January, 1949, except that the judge and the constable herein provided for shall be elected at the time and in the manner herein prescribed.

Approved October 8, 1947.

No. 579)

(H. 1010—Black

## AN ACT

To abolish the fine and forfeiture fund of Walker County; to provide for the transfer of the fine and forfeiture funds into the general fund of the county and to provide for registration and payment of officers script now outstanding or issued in the future.

*Be It Enacted By the Legislature of Alabama:*

Section 1: That as of January 17, 1947, the fine and forfeiture fund of Walker County, Alabama, be and is hereby abolished.

Section 2: That after the effective date of this act all owners and/or holders of, lawfully registered officers script, payable prior to January 17, 1947, out of the fine and forfeiture fund, shall be paid out of the general fund as provided in section 4 of this act. Payment to be made in the order of their registration. All other officer's script shall be registered within the time and in the manner provided by law for registration when to be paid out of the fine and forfeiture fund pursuant to the general laws of Alabama, and they shall be paid out of the general fund of said county.

Section 3: All funds which, under the general laws of Alabama, would be payable into the fine and forfeiture fund of the county shall be paid into the general fund of Walker County as of January 17, 1947.

Section 4: There shall be appropriated \$5,000.00 out of the General funds of said county on February 1st, 1947, and on the 1st. day of February each year thereafter, for the payment of fine and forfeiture (officer's script) claims lawfully registered, until all claims are paid which were issued before January 17, 1947 and which were held and outstanding on that date.

Section 5: All such claims maturing since January 17, 1947, shall be paid out of the general fund of the county. Such payment shall be made in the same manner and under the same conditions as though they were claims against the fine and forfeiture fund, which under this act is merged into the general fund.

Section 6: All laws, local or general in conflict with the provisions of this act are hereby repealed.

Section 7: This act shall take effect upon its approval by the Governor.

Approved October 9, 1947.

No. 580)

(H. 1011—Black

## AN ACT

To alter and rearrange the boundaries of the Town of Cordova in Walker County.

*Be It Enacted By the Legislature of Alabama:*

Section 1. The boundaries of the Town of Cordova are hereby altered and rearranged so that all of the following described land lying and being in Township fifteen (15), Range six (6), west in Walker County, Alabama, will be embraced within the corporate limits of such municipality, to-wit: The southeast quarter and the east half of the southwest quarter of Section five (5) the southwest quarter of Section four (4); all of the east half and the east half of the west half of Section eight (8) lying north of Fragogue creek; all of the west half of Section nine (9) lying north of Fragogue Creek.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1947.

No. 583)

(H. 1014—Inzer

## AN ACT

To amend Section 4 of Act Number 109 of the 1936-1937 Extra Session of the Legislature of Alabama entitled "An Act to provide for the election of a County Superintendent of Education for St. Clair County, Alabama, by the qualified electors thereof, to fix the term of office, to prescribe the duties and qualifications, to fix the salary and expense allowance, to outline the duties and powers, vacancies and how filled, when Act to take effect", approved February 20, 1937; and to repeal Act No. 237 of the 1931 Legislature of Alabama entitled "An Act to provide for the election of a County Superintendent of Education for St. Clair County, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the term and compensation of such officer", approved June 6, 1931, as amended by Act No. 110 of the 1936-1937 Extra Session of the Legislature of Alabama entitled "An Act to amend a local Act of the Legislature of Alabama for St. Clair County, approved June 6, 1931, by amending Section 4 thereof so as to allow the County Superintendent of Education travel expenses incident to the duties of his office, not to exceed the sum of Twelve Hundred Dollars per annum", approved February 20, 1937.

*Be It Enacted by the Legislature of Alabama:*

Section 1: That Section 4 of Act No. 109 of the 1936-1937 Extra Session of the Legislature of Alabama entitled: "An Act to provide for the election of a County Superintendent of Education for St. Clair County, Alabama, by the qualified electors thereof, to fix the term of office, to prescribe the duties and qualifications, to fix the salary and expense allowance, to outline the duties and powers, vacancies and how filled, when Act to take effect", approved February 20, 1937, be and the

same is hereby, amended to read as follows: "Section 4: Such County Superintendent of Education shall receive such compensation as the County Board of Education of St. Clair County, Alabama, shall fix, which shall not be less than \$3,000.00, nor more than \$4,200.00, per annum; which said salary shall be paid at the time and in the manner provided by the General Laws of the State for the payment of salaries of County Superintendents of Education. In addition to the salary so fixed by said Board of Education, the County Superintendent of Education shall be allowed the sum of \$600.00 per annum for traveling expenses, which sum shall be paid to him in twelve equal monthly installments."

Section 2: That Act No. 237 of the 1931 Legislature of Alabama entitled "An Act to provide for the election of a County Superintendent of Education for St. Clair County, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the term and compensation of such officer", approved June 6, 1931, as amended by Act No. 110 of the 1936-1937 Extra Session of the Legislature of Alabama entitled "An Act to amend a Local Act of the Legislature of Alabama for St. Clair County, approved June 6, 1931, by amending Section 4 thereof so as to allow the County Superintendent of Education travel expenses incident to the duties of his office, not to exceed the sum of Twelve Hundred Dollars per annum," approved February 20, 1937, be and the same is hereby expressly repealed.

Section 3: This Act shall take effect upon its passage and approval by the Governor.

Approved October 9, 1947.

No. 608)

(S. 220—Owens

## AN ACT

For the relief of Ada Staten.

WHEREAS, Cleo Staten was convicted in the Circuit Court of Marshall County, on October 21, 1920, of the murder of John Franklin McClendon, and for which he served approximately six years and seven months in the penitentiary, and

WHEREAS, the actual murderer of John Franklin McClendon was later apprehended and confessed, and

WHEREAS, Cleo Staten was thereupon absolved of said murder and released from confinement, and

WHEREAS, Cleo Staten died approximately one month after his release, leaving surviving him his widow, Ada Staten,

*Be It Enacted by the Legislature of Alabama:*

• Section 1. The sum of seven hundred fifty dollars is appropriated out of any funds in the State treasury not otherwise appropriated for the relief of Ada Staten on account of the incarceration

tion of Cleo Staten in the penitentiary for six years and seven months for a crime of which he was innocent.

Section 2. The State Comptroller is directed to draw a warrant on the State Treasurer in favor of Ada Staten for the amount of seven hundred fifty dollars.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1947.

No. 614)

(S. 414—Quarles

### AN ACT

To appropriate the sum of two thousand five hundred dollars (\$2,500) to James T. Rice to compensate him for unjust imprisonment in the penitentiary of Alabama.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That wherein James T. Rice was convicted in Lowndes County, on March 15, 1938 for the offense of robbery charged with the participation of robbery of the person and for which offense he served approximately two years, and,

WHEREAS, on or about the 16th day of March, 1940, it was ascertained that testimony connecting the said James T. Rice with the crime was perjury, and that said James T. Rice was innocent of the crime and was released from the penitentiary and granted a parole and a very short time thereafter was granted a full pardon.

NOW, THEREFORE, an appropriation of the sum of two thousand five hundred dollars (\$2,500) be and the same is hereby appropriated for the relief of James T. Rice, of Selma, Dallas County, Alabama, out of any funds in the State Treasury not otherwise appropriated for and on account of his incarceration in the penitentiary for a period of two years for a crime concerning which he was innocent.

Section 2. The State Comptroller or other proper officer is hereby authorized, empowered and directed to draw his warrant on the State Treasurer for the amount set out in Section 1 of this Act.

Section 3. No part of the funds provided for in this Act in excess of ten per cent (10%) of the total amount awarded or paid shall be paid or be payable to attorneys for the claimant for legal services rendered in connection with the subject matter of this enactment.

Approved October 9, 1947.



No. 627)

(S. 413—Quarles

## AN ACT

To appropriate the sum of two thousand five hundred dollars (\$2,500) to Woodie Mott to compensate him for unjust imprisonment to the penitentiary of Alabama.

*Be It Enacted by the Legislature of Alabama:*

Section I. That wherein Woodie Mott was convicted in Lowndes County, on March 15, 1938 for the offense of robbery charged with the participation of robbery of the person and for which offense he served approximately two years, and,

WHEREAS, on or about the 16th day of March, 1940, it was ascertained that testimony connecting the said Woodie Mott with the crime was perjury, and that said Woodie Mott was innocent of the crime and was released from the penitentiary and granted a parole and a very short time thereafter was granted a full pardon.

NOW, THEREFORE, an appropriation of the sum of two thousand five hundred dollars (\$2,500) be and the same is hereby appropriated for the relief of Woodie Mott of Selma, Dallas County, Alabama, out of any funds in the State Treasury not otherwise appropriated for and on account of his incarceration in the penitentiary for a period of two years for a crime concerning which he was innocent.

Section II. The State Comptroller or other proper officer is hereby authorized, empowered and directed to draw his warrant on the State Treasurer for the amount set out in Section I of this Act.

Section III. No part of the funds provided for in this Act in excess of ten per cent (10%) of the total amount awarded or paid shall be paid or be payable to attorneys for the claimant for legal services rendered in connection with the subject matter of this enactment.

Approved October 9, 1947.

No. 629)

(S. 436—Harvey

## AN ACT

To promote and improve in Blount County, Alabama, the enforcement of the criminal laws of the State of Alabama, by requiring the County Solicitor of Blount County to represent the State of Alabama in all misdemeanor cases before any Magistrate of Blount County, having county wide criminal jurisdiction, to fix his compensation for the performance of such additional duties and provide the mode of making claim, fixing the status of such claim and the manner of payment of such compensation.

*Be It Enacted by the Legislature of Alabama:*

Section 1. That as an additional duty to all the duties now required by law of the County Solicitor of Blount County, it shall be the duty of such solicitor, from the date of the passage and approval of this Act,

to represent the State of Alabama in all misdemeanor cases before all Magistrates of Blount County, Alabama, having county wide criminal jurisdiction.

Section 2. For the performance of such additional duties herein required and placed upon said County Solicitor the County Solicitor of Blount County, Alabama shall receive Six Hundred Dollars per year, to be paid out of the general fund of said County, in twelve equal installments, in the same manner as the salary of said County Solicitor of Blount County, Alabama, is now paid. Proof of such compensation herein provided for shall be made against the County of Blount as other claims are made, allowed and paid, except that same shall be a preferred claim against the general revenues of the county.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved October 9, 1947.

No. 630)

(S. 437—Allen

#### AN ACT

To fix the compensation or salary to be paid the Register of the Circuit Court of Etowah County, Alabama, in equity, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Register of the Circuit Court of Etowah County, Alabama, and to require said Register of the Circuit Court to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him and to pay same into the County Treasury of Etowah County, provided, however, that all witness fees, judgments and amounts collected by him from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such Register, shall be retained in the hands of said Register to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; to provide for the payment of the salary or compensation of said Register of the Circuit Court of Etowah County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Etowah County, and to provide rules and regulations for the conducting and operation of such office made necessary by changing the method and basis of compensation of such Register of the Circuit Court of Etowah County; and to repeal Act No. 396 of the 1935 Legislature entitled "An Act to allow the Register in Chancery of the Circuit Court of Etowah County, Alabama, a clerk; to provide for the appointment and tenure of office of said clerk; to fix the salary of said clerk and to make the same payable out of the general funds of Etowah County in monthly installments," approved September 9, 1935; and to prescribe when this Act shall go into effect.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. That the salary or compensation of the Register of the Circuit Court of Etowah County, Alabama, in equity, shall be Thirty-six Hundred (\$3,600.00) dollars per year, which said Thirty-six Hundred (\$3,600.00) dollars annual salary or compensation shall be paid out of the County Treasury of Etowah County, in equal monthly installments, at the end of each month, upon

warrants drawn in the same manner as employees of Etowah County are paid.

Section 2. That when and after this Act goes into effect, said Register of the Circuit Court of Etowah County, hereinabove referred to, shall continue to collect all legal charges, costs, fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and shall pay same into the County Treasury on the first Monday of each month thereafter, provided, however, that all witness fees, judgments and amounts collected by him from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such Register, shall be retained in the hands of said Register to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law.

Section 3. The Board of Revenue, or like governing body, of Etowah County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the said Register of the Circuit Court of Etowah County, but the said Register of the Circuit Court shall select such clerks, deputies and assistants and shall fix their compensation, but the combined salaries or compensation of said clerks, deputies, and assistants selected by him shall not exceed Twenty-four Hundred (\$2,400.00) dollars per annum. The said Register of the Circuit Court shall have the right to discharge the said clerks, deputies and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of said clerks, deputies and assistants shall be paid in equal monthly installments out of the general funds of Etowah County, upon separate warrants drawn in the same manner as other employees of Etowah County are paid.

Section 4. The Board of Revenue, or like governing body of Etowah County, in addition to the foregoing, shall provide said Register of the Circuit Court of Etowah County with the necessary quarters, books, stationery, supplies, office equipment, files, furniture, typewriters, adding machines, postage and other conveniences and equipment necessary for the proper and efficient conducting and handling of the affairs of said office.

Section 5. The salary or compensation herein fixed shall be in lieu of all fees, compensation and allowances heretofore, or hereafter, allowed and paid to said Register of the Circuit Court of Etowah County, Alabama.

Section 6. That Act No. 396 of the 1935 Legislature of Alabama entitled "An Act to allow the Register in Chancery of the Circuit Court of Etowah County, Alabama, a clerk; to provide for the appointment and tenure of office of said clerk; to fix the salary of said clerk and to make the same payable out of the general funds of Etowah County in monthly installments;" approved September 9, 1935, and all other laws and parts of laws,

both general and local, as applied to Etowah County, Alabama, in conflict with the provisions of this Act, be and the same are hereby repealed.

Section 7. The provisions of this Act shall go into effect on the expiration of the incumbency of the present incumbent in the office of Register of the Circuit Court of Etowah County, Alabama.

Approved October 9, 1947.

No. 631)

(S. 438—Allen

### AN ACT

To Fix The Compensation Or Salary To Be Paid The Clerk Of The Circuit Court of Etowah County, Alabama, And To Regulate The Payment Of the Same; To provide For Compensation Of Clerks, Deputies, Clerical Assistants and Other Expenses In said Office Of The Clerk Of the Circuit Court of Etowah County, Alabama, And To Require Said Clerk Of The Circuit Court to Collect All The Fees, Compensation And Allowances Heretofore Or Hereafter Authorized To Be Collected By Him, And To Pay Same Into the County Treasury of Etowah County, Provided, However, That All Witness Fees, Judgments And Amounts Collected By Him, In Civil And Criminal Cases, From Whatsoever Source, Except Fees, Allowances, Legal Charges, Costs and Compensation Payable To him As Such Clerk, Shall Be Retained In The Hands Of Said Clerk To Be Paid Out and Disbursed By Him To Proper Persons Or Parties In the Manner Now Or Hereafter Required By Law; To Provide For The Payment Of The Salary Or Compensation Of said Clerk of The Circuit Court of Etowah County, And The Clerks, Deputies And Other Clerical Assistants And Other Office Expenses Out Of The Funds Of Etowah County, And To Provide Rules and Regulations For The Conducting And Operation Of Such Office Made Necessary By Changing The Method And Basis Of Compensation Of Such Clerk Of The Circuit Court of Etowah County, And To Prescribe When This Act Shall Go Into Effect.

*Be It Enacted By the Legislature of Alabama:*

Section 1. That the salary or compensation of the Clerk of The Circuit Court of Etowah County, Alabama, shall be Four Thousand Five Hundred and 00/100 Dollars (\$4,500.00) per year, which said Four Thousand Five Hundred and 00/100 Dollars (\$4,500.00) annual SALARY OR COMPENSATION SHALL BE PAID OUT OF THE County Treasury of Etowah County, in equal monthly installments, at the end of each month, upon warrants drawn in the same manner as employees of Etowah County are paid.

Section 2. That when and after this Act goes into effect, said Clerk of the Circuit Court of Etowah County, hereinabove referred to, shall continue to collect all legal charges, costs, fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and shall pay same into the County Treasury on the first Monday of each month thereafter, provided, however, that

all witness fees, judgments and amounts collected by him in civil and criminal cases, from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such Clerk, shall be retained in the hands of said Clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law.

Section 3. The Board of Revenue, or like governing body, of Etowah County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the said clerk of the Circuit Court of Etowah County, but the said Clerk of the Circuit Court shall select such clerks, deputies and assistants and shall fix their compensation, but the combined salaries or compensation of said clerks, deputies, and assistants selected by him shall not, prior to January 1, 1949, exceed Twenty-seven Hundred (\$2,700.00) Dollars per annum, and shall not exceed Forty-two Hundred (\$4,200.00) Dollars per annum after such date. The said Clerk of the Circuit Court shall have the right to discharge the said clerks, deputies and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of said clerks, deputies and assistants shall be paid in equal monthly installments out of the general funds of Etowah County, upon separate warrants drawn in the same manner as other employees of Etowah County are paid.

Section 4. The Board of Revenue, or like governing body of Etowah County, in addition to the foregoing, shall provide said Clerk of the Circuit Court of Etowah County with the necessary quarters, books, stationery, supplies, office equipment, files, furniture, typewriters, adding machines, postage and other conveniences and equipment necessary for the proper and efficient conducting and handling of the affairs of said office.

Section 5. The salary or compensation herein fixed shall be in lieu of all fees, compensation and allowances heretofore, or hereafter, allowed and paid to said Clerk of the Circuit Court of Etowah County, and he shall perform the services as ex officio clerk of the present County Court of Etowah County, Alabama, and the services as ex officio Clerk of the County Court of Etowah County, Alabama, created by a 1947 Local Act of the Legislature, without any additional compensation or pay therefor.

Section 6. That all laws and parts of laws, both general and local, as applied to Etowah County, Alabama, in conflict with the provisions of this Act, be, and the same are hereby repealed.

Section 7. The provisions of this Act shall go into effect on the first day of the month next succeeding its passage and approval by the Governor.

Approved October 9, 1947.

No. 632)

(S. 440—Patterson

## AN ACT

For the relief of Mrs. Roberta Hudson, of Russell County, Alabama, authorizing and directing the governing authority or governing body of Russell County, Alabama, to pay Mrs. Roberta Hudson, \$175.00 for the loss or injury to her mule during the year 1944 by falling through a defective County Bridge on a county road over Dry Creek four miles Southeast of Seale, Russell County, Alabama.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The governing authority or governing body of Russell County, Alabama, is hereby authorized and directed to pay Mrs. Roberta Hudson of Russell County, Alabama, the sum of One Hundred Seventy-Five and No/100 (\$175.00) out of the County Treasury to compensate her for the loss of the use of her mule and injury to her mule during the year 1944, injury being caused by the mule falling through a defective County Bridge, a defective plank bridge on a county road over Dry Creek, four miles southeast of Seale, Russell County, Alabama.

Section 2. Payment shall be made by warrant of the chairman of the county governing body drawn upon the fund of the county in which are placed the gasoline tax receipts collected by the State and paid over to the county for the construction and maintenance of public roads.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1947.

No. 633)

(S. 441—Fite

## AN ACT

Relating to Marion County; abolishing the Court of County Commissioners of Marion County and creating the Marion County Board of Revenue in lieu thereof.

*Be It Enacted By the Legislature of Alabama:*

Section 1. The Court of County Commissioners of Marion County is hereby abolished. The governing body of Marion County shall be the Marion County Board of Revenue. It shall be a court of record composed of five members. Said Board shall elect one of their members as Chairmen and said Chairman shall not vote except to break a tie. The Marion County Board of Revenue is hereby invested with all the powers, duties, jurisdiction, and authority conferred by law on Courts of County Commissioners.

Section 2. For the purposes of this Act, Marion County is divided into five districts, which districts shall be designated by

numbers and the places on the Board shall be numbered to correspond to the numbers of the districts. District One shall comprise precincts 1, 6, 7 and 19; District Two shall comprise precincts 2, 3, 4, 5, and 17; District Three shall comprise precincts 8, 9, 10, and 12; District Four shall comprise precincts 13, 14, and 18; and District Five shall comprise precincts 11, 15, and 16.

Section 3. (a) The members of the Marion County Board of Revenue shall be elected at the general election in 1950, and every four years thereafter; they shall hold office for four years from the first Monday after the second Tuesday in January following their election, and until their successors are elected and qualified. Members shall be nominated and elected by the electors of the respective districts. Every candidate for office shall designate in the announcement of his candidacy the number of the place for which he is a candidate, and the ballots shall be numbered accordingly. (b) The four persons holding office as members of the Court of County Commissioners on the effective date of this Act shall continue to hold office and shall be members of the Marion County Board of Revenue until the terms for which they were elected shall have expired; and, upon passage of this Act, the Governor shall appoint a qualified person as a member of the Board to represent District Five, who shall hold office until the first Monday after the second Tuesday in January, 1949. (c) At the general election in 1948, three members of the Board shall be elected as successors to the two commissioners whose terms expire in January, 1949, and to the member of the Board appointed pursuant to Subsection (b). Such members shall hold office for two years from the first Monday after the second Tuesday in January following their election, and until their successors are elected and qualified as provided in Subsection (a).

Section 4. Regular meetings of the Marion County Board of Revenue shall be held on the second and third Mondays in each month; no session of the Board shall continue longer than two days unless a longer session is necessary to prevent impeding the progress of a state audit. Each member of the Board shall be paid a monthly salary of \$150.00. This salary shall be the only remuneration, compensation and allowance for the performance of their duties. Said Board members shall not receive any per diem, mileage allowance or any other expense allowance in any guise or form, it being the express intention of this Act to limit said Board members to the salary provided for herein. Four members of the Board shall constitute a quorum for the transaction of business.

Section 5. The provisions of this Act are severable. If any part of the Act is declared to be unconstitutional or invalid, such declaration shall not affect the remainder.

Section 6. This Act shall become effective upon its approval by the Governor.

Approved October 3, 1947.

No. 645)

(H. 727—Benford

## AN ACT

For the relief of Buford L. Cryar.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The sum of one thousand eight hundred dollars (\$1,800) is hereby appropriated out of any funds in the State Treasury to the credit of the State Highway Patrol Fund not otherwise appropriated for the relief of Buford L. Cryar.

Section 2. The basis of providing relief for Buford L. Cryar is as follows: On the night of September 10, 1943, the said Cryar was employed by the State of Alabama as a motorcycle patrolman in the service of the Highway Patrol, and, while engaged in the performance of his duties between Boaz and Albertville, and without any fault on his part, the said Cryar was upset and thereby injured, as a consequence of which the said Buford L. Cryar suffered a great amount of pain and discomfort, spent eleven months confined to his bed, incurred expenses for medical and hospital treatment in excess of one thousand seven hundred fifty dollars, and suffers a permanent disability of more than fifty per cent.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1947.

No. 648)

(H. 984—Dumas, Adams (Jefferson),  
Meeks, Beatty, Gibson, Kaul,  
Sadler.

## AN ACT

For the relief of R. C. Aldridge and to authorize and direct the City of Birmingham to pay to said R. C. Aldridge the sum of \$1,200 for injuries received while employed as a patrolman for the City of Birmingham.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The City of Birmingham is hereby authorized and directed to pay to R. C. Aldridge as compensation and damages for injuries received by R. C. Aldridge resulting from an accident or collision of a patrol car of the Birmingham Police Department, in which said Aldridge was riding, with another automobile, while said Aldridge was employed by the City of Birmingham as a patrolman and in the line of duty, the sum of \$1,200. Said sum shall be payable in monthly installments of \$75.00 each. Provided, however, that said monthly installments and said total compensation and damages shall be reduced by the salary or compensation payable with respect to any employment which may be tendered to said



R. C. Aldridge by the City of Birmingham and which he is able to perform.

Section 2. This Act shall become effective 60 days after its passage and approval by the governor or its otherwise becoming a law.

Approved October 9, 1947.

No. 651)

(H. 1029—Faulk

### AN ACT

To amend Sections 2 and 5 and 9 of an Act of the Legislature entitled "An Act to establish a Court of Record in Geneva County, Alabama, to be known as the "Inferior Court of Geneva County"; to provide for its criminal jurisdiction to include all misdemeanors; and to provide for the civil jurisdiction thereof to include all civil jurisdiction now exercised by Justices of the Peace, and in addition thereto to include all suits, actions and matters of law where the amount involved therein is the sum of Three Hundred & no/100 Dollars, or less; to provide for the officers of the said court, their terms of office, the manner of their selection and election, and their powers, duties and compensation; to fix the fees and costs in said Court; to provide for the rules of procedure for said Court and for the operation thereof; to provide for the registering of judgments rendered in said Court, and the effect thereof; to provide for the method and manner of instituting civil and criminal proceedings therein, and the procedure therein; to provide for the transfer of criminal prosecutions for misdemeanors now or hereafter pending in the County Court of Geneva County, Alabama or the Circuit Court thereof to the said Inferior Court of Geneva County; and to provide for the transfer of civil suits pending in said Circuit Court, within the jurisdiction of this Court, by agreement," approved September 16, 1936.

#### *Be It Enacted by the Legislature of Alabama:*

Section 1. That Section 2 of an Act of the Legislature entitled "An Act to establish a Court of Record in Geneva County, Alabama, to be known as the "Inferior Court of Geneva County"; to provide for its criminal jurisdiction to include all misdemeanors; and to provide for the civil jurisdiction thereof to include all civil jurisdiction now exercised by Justices of the Peace, and in addition thereto to include all suits, actions and matters of law where the amount involved therein is the sum of Three Hundred & no/100 Dollars, or less; to provide for the officers of the said Court, their terms of office, the manner of their selection and election, and their powers, duties and compensation; to fix the fees and costs in said Court; to provide for the rules of procedure for said Court and for the operation thereof; to provide for the registering of judgments rendered in said Court, and the effect thereof; to provide for the method and manner of instituting civil and criminal proceedings therein, and the procedure therein; to provide for the transfer of criminal prosecutions for misdemeanors now or hereafter pending in the County Court of Geneva County; and to provide for the transfer of civil suits pending in said Circuit Court,

within the jurisdiction of this Court, by agreement", approved September 16, 1936, be amended so as to read as follows: That said Court shall have civil jurisdiction in all civil matters of which Justices of the Peace of Geneva County have jurisdiction under the general laws of this State; concurrently with the several Justices of the Peace in said County; and, in addition thereto, the said Court shall have jurisdiction, concurrently with the Circuit Court, of all matters, suits and actions of law which are in amount more than the jurisdiction of the Justices of the Peace, and not more than the sum of Five Hundred and no/100 (\$500.00) Dollars; and the said Court shall have original jurisdiction, concurrent with the Circuit Court, of all misdemeanors committed in Geneva County, Alabama; and it shall have preliminary jurisdiction of all felonies, concurrent with the several Justices of the Peace of said County, committed in Geneva County, Alabama; but appellate jurisdiction of all of the Justice of the Peace Courts and municipal Courts in said County is hereby expressly repealed. The jurisdiction, both civil and criminal, of said Court, as hereinabove provided, shall be coextensive with the County; provided, further, that the said Court shall not have and exercise civil jurisdiction of actions of libel, slander, assault and battery, or ejectment or actions in the nature of ejectment.

Section 2. That Section 5 of said Act be amended so as to read as follows: That the Clerk of the Circuit Court of Geneva County, Alabama, shall act and be clerk of the Inferior Court hereby established, and he shall keep a civil and criminal docket of all cases brought before the said Court, and all of the minutes and records as are now required by law to be kept by clerks of the circuit courts, and he shall have authority to issue all necessary summons and complaints as to all cases filed in said Court, and all other civil and criminal process which clerks of the circuit courts are now required or empowered by law to issue. He shall have authority to swear witnesses at the trial of all cases in said court. It shall be the duty of the clerk to tax and collect in each civil and criminal case in said Inferior Court the same costs and fees for service of the Solicitor, the Clerk, the Sheriff and the witnesses as are now allowed by law to be assessed, charged and collected in the Circuit Court of this State; provided, however that such fees for services of the Solicitor shall be assessed, charged and collected by said Clerk in all misdemeanor cases where the defendant is convicted or enters a plea of guilty in said Court, which he shall disburse as is now required of said fees in the Corcuit Courts, except as hereinafter provided. It shall also be his duty to tax and collect a fee for entering judgments, and when an appeal is taken, approving bond and certifying preceeding, \$5.00, for each civil and criminal case filed in said Court, which said trial tax he shall pay into the County Treasury to the credit of the General Fund of Geneva County, Alabama on the first Monday in each month. It shall also

be his duty to collect, or receive from the Sheriff, all fines and forfeitures in said Court, which together with the solicitor's fees taxed and collected in said Court, he shall pay into the county treasury on the first Monday in each month. It shall also be his duty to file with the Clerk of the Court of County Commissioners on or before the first Monday of September after the passage of this Act, and on or before the first Monday in September of each year thereafter, an itemized statement showing the following: the amount of fines, forfeitures and Solicitor's fees collected by him in said Court and paid into the county treasury; the amount of trial taxes collected by him in said Court and paid into the County treasury and the amount of Clerk's fees collected and retained by him, in the last 12 months next preceeding. Witness fees assessed and collected shall be retained by him and paid over to the witnesses entitled to the same and the witnesses shall be allowed the same time after their attendance upon the Court in all cases therein pending, to prove their attendance and to be issued a witness certificate as now or hereafter may be allowed in the Circuit Courts of this State; and provided further that in case witness certificates are not presented to the Clerk for payment within the time allowed by law for the presentation of witness certificates in the Circuit Courts, said witness fees shall revert to the County and shall be paid by the said Clerk into the County Treasury, and said Clerk shall pay over to the said Treasury all such reverted fees in his hands in the same manner as is now provided by law for reverted fees in the Circuit Court. The said Clerk shall attend upon the sessions of said Court at such hours as are designated by the Judge thereof and shall perform such other duties as may be prescribed by the Judge of said Court, either in person or by deputy. The said Clerks shall issue certificates of judgment of said court, in the same form as is now provided by law for issuance of certificates of judgment from circuit courts, for which he shall be allowed the same fees as are now allowed to the clerks of the circuit courts. The certificates of judgment hereinabove provided to be issued by the Clerk shall, upon being recorded in the Probate Office of said County, become a lien in the same manner and under the same regulations as now provided or may hereafter be provided, for certificates of judgment issued out of the circuit courts of Geneva County, Alabama. The Clerk of said court, before entering into the duties of his office, shall give bond in the penal sum of two thousand dollars, payable and conditioned as are official bonds required of clerks of the circuit courts, to be taken and approved by the Judge of said Court, and recorded in the Probate Office of the County, and upon said bonds there shall be the same liabilities and remedies as upon bonds of the clerks of the circuit courts of this State. And the said Clerk shall receive the same fees and costs as are now allowed by law to clerks of the circuit courts and in addition thereto the sum of Twenty Four Hundred Dollars

per annum, payable out of the General Fund of Geneva County, Alabama in twelve annual installments of \$200.00 each upon the warrant of the Probate Judge of Geneva County, Alabama, as his compensation. The Clerk of said Court shall receive the said \$2400.00 per annum for the extra duties herein conferred on him.

Section 3. That Section 9 of said Act be amended so as to read as follows: That all prosecutions for misdemeanors may be instituted in said court by making affidavit before the Clerk of the said Court, or before any Justice of the Peace of Geneva County, or Notary Public exercising the powers of Justices of the Peace, upon approval by the Solicitor of said Court of Justice of the Peace; and that in all preliminary proceedings in prosecutions for felonies in said Court, the same may be instituted by affidavit before the Judge or the Clerk of the said Court, or any Justice of the Peace or Notary Public and Ex Officio Justice of the Peace returnable to the Inferior Court. And when the defendant is arrested on affidavit and warrant charging a misdemeanor, the said case shall go to the docket for trial and be tried as though the defendant had been indicted by a grand jury, except as hereinafter provided. Provided further that the defendant shall not be put upon trial in any cause within ten days of his arrest, except with his consent. That on and after the effective date of this Act, it shall be the duty of the presiding Judge of the Circuit Court of Geneva County, Alabama, to make an order transferring to this Court all cases pending on the docket of said Circuit Court wherein the defendants are charged with the commission of misdemeanor, and thereafter each and every indictment returned by a grand jury of Geneva County against persons charged with the commission of misdemeanor shall be placed on the docket of this Court by the Clerk for trial and disposition, and no order with respect to such indictments by the Circuit Court is necessary.

Section 4. This Act shall be effective immediately upon its passage and approval by the Governor.

Approved October 9, 1947.

No. 652)

## AN ACT

(H. 1030—Larkins

To provide for meetings and compensation of members of the County Board of Education of Coffee County.

*Be It Enacted by the Legislature of Alabama:*

Section 1. The members of the County Board of Education of Coffee County shall receive from the public school funds of the county five dollars a day and their actual traveling and hotel expenses incurred in attending meetings of the board, and transacting the business of the board. The members of the board shall not be allowed pay for more than twenty-four days in any one

year, and their expenses shall be paid in like manner as provided for the compensation of teachers. They shall not be required to hold teachers' certificates.

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1947.

No. 656)

(S. 442—Gaither

### AN ACT

To provide for the payment of a mileage allowance to the chief deputy sheriff of Clay County, Alabama, in addition to a salary.

*Be It Enacted By the Legislature of Alabama:*

Section 1. In addition to the salary provided by law, the Chief Deputy Sheriff of Clay County, Alabama, shall receive the sum of five cents per mile for each mile he uses his automobile in the discharge of his official duties for not exceeding two thousand miles each month. Said sum shall be paid from the general fund of said county monthly upon proof made to the Court of County Commissioners of said county of the number of miles such automobile was so used.

Section 2. This act shall take effect upon its enactment into law.

Approved October 9, 1947.

No. 657)

(S. 447—Langan

### AN ACT

To amend Sections 504, 505, and 506 of Title 62 of the Alabama Code of 1940 to provide for the payment of a pension to all persons who have been employed by the City of Mobile as a fireman or policeman for a period of over fifteen years and who have become totally disabled for the performance of such duties through no misconduct on their part in an amount equal to fifty per cent of their wages, salary or other compensation. That all such persons totally disabled while in the performance of their duties and as a direct result of their duties shall be entitled to a pension equal to sixty per cent of their wages, salary or other compensation. To further provide that all persons who have served in said departments a sufficient number of years to be entitled to a pension shall be eligible to receive the same upon reaching retirement age regardless of whether or not they are then employed by said department, and to provide for a graduated scale of payment of pensions based on the number of years service rendered. Also to eliminate the present limitation of \$100.00 per month as to maximum amount that can be paid to any employee retiring or otherwise being entitled to the benefits under said law.

*Be It Enacted By the Legislature of Alabama:*

Section 1. That Section 504 of Title 62 of the Alabama Code of 1940 is hereby amended to read as follows: "Section 504.

Total permanent disability benefits. If any member of such police or fire department, while in the performance of his duty, becomes or be found to be physically or mentally permanently disabled for service in such police or fire departments, by reason of service therein, so as to rendered his retirement from such service necessary, the board of commissioners or other governing body of said city, shall make necessary orders, and shall retire such disabled members from service in such police or fire departments; and upon such retirement, such member shall be paid monthly, from such funds, an amount equal to sixty per centum of his monthly salary, the payments to be made during such disability. Should any member of such police of fire department who has served in such department for a period of fifteen years be found to be physically or mentally permanently disabled through no misconduct on his part for service in such police of fire departments, so as to render his retirement from such service necessary, the board of commissioners or other governing body of said city shall make necessary orders, and shall retire such disabled member from service in such police or fire department; and upon such retirement such member shall be paid monthly from the policemen's and firemen's pension and relief funds an amount equal to fifty per centum of his monthly salary. Such members may be called back and examined at any time under the orders of such authority, and may be ordered back to active service, or to perform other services in connection with the city, such as he is able to perform, according to the instructions, findings and orders of such authority referred to.

Section 2. That Section 505 of Title 62 of the Alabama Code of 1940 is hereby amended to read as follows: "Section 505. Retirement benefits; twenty years service. Any member or former member of such police or fire department who has been in the service thereof for as long as twenty consecutive years upon making written application to the board of commissioners, therefor, shall, without medical examination or disability, be retired from service in such police or fire department; and, upon such retirement, the said board of commissioners shall direct the payment to such retired member monthly from such fund, a sum equal to one-half of the monthly compensation or salary received by such member as salary in such fire or police department at the time of his retirement; provided, however, that said payments to said retired member of the police or fire department shall not commence or be effective until such person shall have attained the age of fifty-five years.

Section 3. That Section 506 of Title 62 of the Alabama Code of 1940 is hereby amended to read as follows: "Section 506. Retirement benefits twenty-five years, thirty years, and thirty-five years service. Any member or former member of such police or fire department who has been in the service thereof for as long

as twenty-five years, the last ten years of which have been continuous upon making written application to the board of commissioners therefor, shall, without medical examination or disability, be retired from service of such fire or police department, and upon such retirement, the said board shall direct the payment to such retiring member, commencing on the fifty-fifth birthday of such member, monthly from such fund, a sum equal to one-half of the monthly compensation received by such member as salary in such fire or police department at the time of his retirement. Any member or former member of such police or fire department who has been in the service thereof for as long as thirty years, the last ten years of which have been continuous upon making written application to the board of commissioners therefor, shall, without medical examination or disability, be retired from service of such fire or police department, and upon such retirement, the said board shall direct the payment to such retiring member, commencing on the fifty-fifth birthday of such member, monthly from such fund, a sum equal to fifty-five per cent of the monthly compensation received by such member as salary in such fire or police department at the time of his retirement. Any member or former member of such police or fire department who has been in the service thereof for as long as thirty-five years or longer, the last ten years of which have been continuous upon making written application to the board of commissioners therefor, shall, without medical examination or disability, be retired from service of such fire or police department, and upon such retirement, the said board shall direct the payment to such retiring member, commencing on the fifty-fifth birthday of such member, monthly from such fund, a sum equal to sixty per cent of the monthly compensation received by such member as salary in such fire or police department at the time of his retirement.

Section 4. This act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved October 9, 1947.

No. 658)

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## AN ACT

(S. 448—Langan

To amend Sections 477 and 478 of Title 62 of the 1940 Code of Alabama as amended by a local act approved June 23rd, 1945, and Section 476 of Title 62 of the Code of Alabama of 1940 to provide for the payment of a pension to all persons who have been employed by the City of Mobile as a municipal employee, except in the Police or Fire Departments, for a period of over fifteen years and who have become totally disabled for the performance of such duties through no misconduct on their part in an amount equal to fifty per cent of their wages, salary or other compensation. That all such persons totally disabled while in the performance of their duties and as a direct result of their duties shall be entitled to a pension equal to sixty per cent of their wages, salary or other compensa-

tion. To further provide that all persons who have served in the employment of the City of Mobile a sufficient number of years to be entitled to a pension shall be eligible to receive the same upon reaching retirement age regardless of whether or not they are then employed by said City of Mobile as a municipal employee, and to provide for a graduated scale of payment of pensions based on the number of years of service rendered.

*Be It Enacted By the Legislature of Alabama:*

Section 1. That Section 476 of Title 62 of the Alabama Code of 1940 is hereby amended to read as follows: "Section 476. Benefits for retirement caused by disability. If any employee of the city while in the performance of his duties, becomes or be found to be physically or mentally permanently disabled for services in his or her respective departments, by reason of service therein, so as to render his or her retirement from such services necessary, the board of commissioners shall make necessary orders and shall retire such disabled employee from service in the department in which the disability occurred; and upon such retirement, such member shall be paid monthly, from such funds, an amount equal to sixty per centum of his monthly salary, the payments to be made during such disability. Should any city employee or former city employee who has been employed in the city's service for a period of fifteen years be found to be physically or mentally permanently disabled through no misconduct on his part for service in any city departments so as to render his retirement from such service necessary, the board of commissioners or other governing body of said city shall make necessary orders, and shall retire such disabled member from service with the city; and upon such retirement said city employee shall be paid from the municipal employee's pension and relief funds an amount equal to fifty per centum of his monthly salary. Such members may be called back and examined at any time under the orders of such authority, and may be ordered back to active service, or to perform other services in connection with the city, such as he is able to perform, according to the instructions, findings and orders of such authority referred to."

Section 2. That Section 477 of Title 62 of the 1940 Code of Alabama as amended by a local act approved June 23rd, 1945 be amended to read as follows: "Section 477. Retirement; twenty years consecutive service. Any employee of the city, except as herein otherwise provided, who has been in the service thereof, for as long as twenty consecutive years, upon making written application to the board of commissioners, therefor, shall, without medical examination or disability, be retired from the service as an employee of said city; and upon such retirement, the said board of commissioners shall direct the payment to such retiring employee monthly, from such fund, a sum equal to one-half of the monthly compensation or salary received by such employee as a salary in the service or employment of said city at the time



of his or her retirement; provided, however, that such payments to said retired city employee shall not commence or be effective until said person has attained the age of fifty-five years, and provided further that as to any future employees of such municipality who are not now employed by said city their retirement payments shall not commence or be effective until such persons shall have attained the age of sixty years."

Section 3. That Section 478 of Title 62 of the 1940 Code of Alabama as amended by a local act approved June 23, 1945 be further amended to read as follows: "Section 478. Retirement benefits twenty-five years, thirty years and thirty-five years service. Any employee or former employee of the city who has been in the service thereof for as long as twenty-five years, the last ten years of which have been continuous upon making written application to the board of commissioners therefor, shall, without medical examination or disability, be retired from service of such city and upon such retirement, the said board shall direct the payment to such retiring employee, commencing on the fifty-fifth birthday of such employee, monthly from such fund, a sum equal to one-half of the monthly compensation received by such employee as salary at the time of his retirement. "Any employee or former employee of the city who has been in the service thereof for as long as thirty years, the last ten years of which have been continuous upon making written application to the board of commissioners therefor, shall, without medical examination or disability, be retired from service of such city, and upon such retirement, the said board shall direct the payment to such retiring employee, commencing on the fifty-fifth birthday of such employee, monthly from such fund, a sum equal to fifty-five per centum of the monthly compensation received by such employee as salary at the time of his retirement. "Any employee or former employee of the city who has been in the service thereof for as long as thirty-five years or longer, the last ten years of which have been continuous upon making written application to the board of commissioners therefor, shall, without medical examination or disability, be retired from service of such city and upon such retirement, the said board shall direct the payment to such retiring employee, commencing on the fifty-fifth birthday of such employee monthly from such fund, a sum equal to sixty per centum of the monthly compensation received by such employee as salary at the time of his retirement.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1947.

No. 667)

(H. 797—Givhan

## AN ACT

Levying an additional license tax upon sellers of malt or brewed beverages who are engaged in that business in Dallas County; providing for the assessment, collection, and payment of the proceeds of the tax; defining violations of the Act and prescribing penalties therefor.

*Be It Enacted by the Legislature of Alabama:*

Section 1. This Act shall apply in, and only in, Dallas County; it does not alter or repeal any statute, but is in addition to and cumulative of laws now in effect.

Section 2. (a) As used in this Act, unless the context requires a different meaning: "person" includes a firm, corporation, club, partnership, company, trustee, agency, or association, or any agent, servant, employee, or officer thereof; "seller" means a person who is engaged in the business of selling, distributing, delivering, storing, or taking out of storage, malt or brewed beverages within the county; "Malt or brewed beverages" includes beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume. (b) The rules of construction and interpretation of statutes contained in Title 1 of the 1940 Code shall apply in the construction and interpretation of this Act.

Section 3. Each seller of malt or brewed beverages shall pay a license tax to the county in an amount equal to one-twelfth of one cent on each fluid ounce or fractional part thereof of malt or brewed beverages sold, distributed, delivered, stored, or taken out of storage within the county, unless an exemption is secured as provided by Section 6. The tax shall be in addition to all other taxes and licenses imposed by law.

Section 4. Each seller, except a seller who claims and obtains exemption under the provisions of Section 6, shall, on or before the fifteenth day of each month, file with the probate judge and the license inspector of the county, on forms to be prescribed and furnished by the probate judge, a written statement, sworn to and subscribed by him, which shall show: 1) the name and address of the seller; 2) each purchase or receipt of malt or brewed beverages made by him during the calendar month next preceding; 3) the name and address of the distributor, seller, or other person from whom purchased, received, or procured; 4) the brands purchased or received; 5) the quantity of each brand; 6) the size and kind of containers of each brand; 7) the date or dates on which purchased, received, or procured; 8) the name and address of each distributor, seller, or other person to whom any malt or brewed beverages were sold, distributed, or delivered; 9) the quantity of each brand sold, distributed, or delivered to each; 10) the size and kind of containers of each brand; 11) the date or dates on which sold, distributed, or delivered.

Section 5. The license tax imposed by Section 3 shall be paid on or before the fifteenth day of each calendar month. The amount due shall be based on the sale, distribution, delivery, storage, and taking out of storage of malt or brewed beverages during the preceding calendar month.

Section 6. A seller purchasing malt or brewed beverages from any other seller who has paid the license tax imposed thereon by Section 3 is exempt from paying the tax upon his application to the probate judge. The application for exemption from the payment of the tax shall be made by the seller on or before the fifteenth day of each calendar month. The application, verified by the oath of the seller, shall show: 1) the name and address of the applicant; 2) each purchase, receipt, or procurement of malt or brewed beverages made during the calendar month next preceding; 3) the name and address of the distributor, seller, or other person from whom purchased, received, or procured; 4) the brand of the malt or brewed beverages; 5) the quantity of each brand; 6) the size and kind of containers of each brand; 7) the date or dates on which purchased, received, or procured; and 8) the disposition thereof by the seller claiming the exemption.

Section 7. It is unlawful for any agent, servant, or employee of any seller who is delinquent in the payment of the license tax required by this Act to assist or carry on the business of the seller. Each day the agent, servant, or employee of a delinquent seller engages in or assists in carrying on such business shall constitute a separate offense.

Section 8. (a) Each seller shall keep complete records of all purchases, sales, receipts, inventories, and all other matters necessary to determine the correct amount of license tax for which he is liable. In the event a seller discontinues his business, he shall not dispose of his records without giving the probate judge and the license inspector thirty days' notice in writing. (b) The seller's records, books of accounts, bank deposit books, and bank statements shall be open, during reasonable hours at the place of business of the seller, for inspection and examination by the probate judge, or his agent, and the license inspector. (c) In the event the amount of tax due by the seller cannot be accurately determined from the seller's monthly report, or if the seller does not keep adequate records, or if he refuses to allow an examination of his records, the amount of tax due may be determined from any other information or data available, and the amount of the tax so determined shall be assessed against the seller. Notice of such assessment shall be given to the seller and a demand made for immediate payment. (d) No person shall divulge any information obtained by him in the course of an inspection and examination of the records of any seller, except to a person duly authorized by the county governing body, the judge of probate,

the county attorney, the license inspector, or others connected with the administration of this Act, unless he is required to do so by an order of a competent court.

Section 9. The license tax imposed by this Act shall be paid to the probate judge, and the proceeds shall be deposited by him in the general fund of the county. For such services, the probate Judge shall be entitled to a commission of two and one-half per cent ( $2\frac{1}{2}\%$ ) of all taxes collected.

Section 10. A person who violates the provisions of this Act is guilty of a misdemeanor; and each day his violation continues shall constitute a separate offense.

Section 11. No seller shall continue in business when he is in default in the payment of the tax imposed by this Act. In addition to other penalties, a delinquent taxpayer shall be liable for a penalty of twenty per cent of the amount found to be due by him. Penalties shall be paid into the general fund of the county.

Section 12. This Act shall not apply to acts or transactions in inter-state commerce; nor shall any provision hereof apply to any business conducted by or for the United States or any other government.

Section 13. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid or inoperative, the remainder of the Act and the application thereof to any other person or circumstances shall not be affected thereby.

Section 14. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 8, 1947.

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